

IC 4-33

ARTICLE 33. RIVERBOAT GAMBLING

IC 4-33-1

Chapter 1. General Provisions

IC 4-33-1-1

Application of article

Sec. 1. This article applies only to the following:

- (1) Counties contiguous to Lake Michigan.
- (2) A county that is:
 - (A) contiguous to the Ohio River; and
 - (B) described in IC 4-33-6-1(a)(5).
- (3) A county that contains a historic hotel district.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.1; P.L.233-2007, SEC.11.

IC 4-33-1-2

Legislative intent

Sec. 2. This article is intended to benefit the people of Indiana by promoting tourism and assisting economic development. The public's confidence and trust will be maintained only through:

- (1) comprehensive law enforcement supervision; and
- (2) the strict regulation of facilities, persons, associations, and gambling operations under this article.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-1-3

References to article

Sec. 3. References to "this article" include the provisions of this article and any rules or orders adopted under the authority of this article.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-1-4

Exemption from provisions

Sec. 4. Pursuant to 15 U.S.C. 1172, approved January 2, 1951, the state of Indiana, acting by and through duly elected and qualified members of the legislature, does declare and proclaim that the state is exempt from the provisions of 15 U.S.C. 1172.

As added by P.L.20-1995, SEC.2.

IC 4-33-1-5

Shipments of gambling devices

Sec. 5. All shipments of gambling devices, including slot machines, to an operating agent or a licensed riverboat in Indiana, the registering, recording, and labeling of which have been completed by the manufacturer or dealer thereof in accordance with 15 U.S.C.

1171 through 1178, are legal shipments of gambling devices into Indiana.

As added by P.L.20-1995, SEC.3. Amended by P.L.92-2003, SEC.2.

IC 4-33-2

Chapter 2. Definitions

IC 4-33-2-1

Application

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-2

"Adjusted gross receipts"

Sec. 2. "Adjusted gross receipts" means:

- (1) the total of all cash and property (including checks received by a licensee or an operating agent) whether collected or not, received by a licensee or an operating agent from gaming operations; minus
- (2) the total of:
 - (A) all cash paid out as winnings to patrons; and
 - (B) uncollectible gaming receivables, not to exceed the lesser of:
 - (i) a reasonable provision for uncollectible patron checks received from gaming operations; or
 - (ii) two percent (2%) of the total of all sums, including checks, whether collected or not, less the amount paid out as winnings to patrons.

For purposes of this section, a counter or personal check that is invalid or unenforceable under this article is considered cash received by the licensee or operating agent from gaming operations.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.3.

IC 4-33-2-3

"Approved hotel"

Sec. 3. "Approved hotel" means a hotel that contains:

- (1) at least two hundred fifty (250) hotel rooms, or a lesser number established by the commission;
- (2) indoor public space used for exhibit space;
- (3) meeting rooms;
- (4) banquet rooms;
- (5) restaurants;
- (6) lobbies;
- (7) lounges or bars;
- (8) show theaters;
- (9) parking areas; and
- (10) shops.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-3.5

"Approved limited mobile gaming system"

Sec. 3.5. "Approved limited mobile gaming system" means a limited mobile gaming system approved by the commission under IC 4-33-9-17.

As added by P.L.229-2013, SEC.7.

IC 4-33-2-3.7

"Bureau"

Sec. 3.7. "Bureau" refers to the child support bureau of the department of child services established by IC 31-25-3-1.

As added by P.L.23-1996, SEC.7. Amended by P.L.145-2006, SEC.8.

IC 4-33-2-4

"Cheat"

Sec. 4. "Cheat" means to alter the selection of criteria that determine:

- (1) the result of a gambling game; or
- (2) the amount or frequency of payment in a gambling game.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-5

"Commission"

Sec. 5. "Commission" refers to the Indiana gaming commission established by IC 4-33-3.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-5.6

"Cruise"

Sec. 5.6. "Cruise" means operation of a riverboat for a gambling operation while the riverboat is not moored to a dock.

As added by P.L.192-2002(ss), SEC.6.

IC 4-33-2-5.8

"Delinquent"

Sec. 5.8. "Delinquent" means at least:

- (1) two thousand dollars (\$2,000); or
- (2) three (3) months;

past due on payment of court ordered child support.

As added by P.L.23-1996, SEC.8.

IC 4-33-2-6

"Department"

Sec. 6. "Department" refers to the department of state revenue.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-7

"Dock"

Sec. 7. "Dock" means the location where a riverboat moors for the

purpose of embarking passengers for and disembarking passengers from the riverboat.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.7.

IC 4-33-2-7.5

"Flexible scheduling"

Sec. 7.5. "Flexible scheduling" refers to the practice of conducting gambling games and allowing the continuous ingress and egress of patrons for the purpose of gambling.

As added by P.L.192-2002(ss), SEC.8. Amended by P.L.15-2011, SEC.1.

IC 4-33-2-8

"Gambling excursion"

Sec. 8. "Gambling excursion" means the time during which gambling games may be operated on a riverboat that has not implemented flexible scheduling under IC 4-33-6-21.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.9.

IC 4-33-2-9

"Gambling game"

Sec. 9. "Gambling game" includes any game approved by the commission as a wagering device.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.233-2007, SEC.12.

IC 4-33-2-10

"Gambling operation"

Sec. 10. "Gambling operation" means the conduct of authorized gambling games on a riverboat.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-11

"Gross receipts"

Sec. 11. "Gross receipts" means the total amount of money exchanged for the purchase of chips, tokens, or electronic cards by riverboat patrons.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-11.1

"Historic hotel"

Sec. 11.1. "Historic hotel" means a structure originally built as a hotel that:

- (1) contained at least three hundred (300) sleeping rooms on or before January 1, 1930;
- (2) is listed in, or is seeking listing in, the National Register of

Historic Places; and

(3) was regionally recognized for the mineral springs located on the property that were thought to have significant health benefits for the hotel's guests.

As added by P.L.92-2003, SEC.4.

IC 4-33-2-11.5

"Historic hotel district"

Sec. 11.5. "Historic hotel district" means a historic hotel district that is established under IC 36-7-11.5.

As added by P.L.92-2003, SEC.5.

IC 4-33-2-11.6

"Law enforcement agency"

Sec. 11.6. "Law enforcement agency" means any of the following:

- (1) The gaming agents of the Indiana gaming commission.
- (2) The state police department.
- (3) The conservation officers of the department of natural resources.
- (4) The state excise police of the alcohol and tobacco commission.
- (5) The gaming control officers of the Indiana gaming commission.
- (6) The enforcement department of the securities division of the office of the secretary of state.

As added by P.L.170-2005, SEC.1. Amended by P.L.227-2007, SEC.45; P.L.230-2007, SEC.3; P.L.3-2008, SEC.12.

IC 4-33-2-12

"Licensee"

Sec. 12. Except as provided in IC 4-33-10-2.1, "licensee" means a person holding a license issued under this article.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.4-1996, SEC.93.

IC 4-33-2-13

"Licensed owner"

Sec. 13. "Licensed owner" means a person that owns a riverboat that is licensed under this article.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-13.3

"Limited mobile gaming system"

Sec. 13.3. "Limited mobile gaming system" refers to a system that enables a licensed owner or operating agent to accept wagers through the use of mobile gaming devices approved under this article.

As added by P.L.229-2013, SEC.8.

IC 4-33-2-13.5**"Mobile gaming device"**

Sec. 13.5. "Mobile gaming device" means an electronic device, including software, that does the following:

- (1) Displays information related to a gambling game.
- (2) Enables a patron to place a wager on a gambling game from an approved location using money placed into a deposit account maintained under the rules of the commission.

As added by P.L.229-2013, SEC.9.

IC 4-33-2-14**"Occupational license"**

Sec. 14. "Occupational license" means a license issued by the commission under IC 4-33-8.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-14.5**"Operating agent"**

Sec. 14.5. "Operating agent" means a person with whom the commission has entered into a contract under IC 4-33-6.5 to operate a riverboat in a historic hotel district.

As added by P.L.92-2003, SEC.6.

IC 4-33-2-14.6**"Operating agent contract"**

Sec. 14.6. "Operating agent contract" refers to the contract entered into by the commission under IC 4-33-6.5 with respect to the operation of a riverboat in a historic hotel district.

As added by P.L.92-2003, SEC.7.

IC 4-33-2-15**"Owner's license"**

Sec. 15. "Owner's license" means a license issued under IC 4-33-6 that allows a person to own and operate a riverboat.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-16**"Person"**

Sec. 16. "Person" means an individual, a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-17**"Riverboat"**

Sec. 17. "Riverboat" means any of the following on which lawful gambling is authorized under this article:

- (1) A self-propelled excursion boat located in a county

described in IC 4-33-1-1(1) or IC 4-33-1-1(2) that complies with IC 4-33-6-6(a).

(2) A casino located in a historic hotel district.

(3) A permanently moored craft operating from a county described in IC 4-33-1-1(1) or IC 4-33-1-1(2).

(4) An inland casino operating under IC 4-33-6-24.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.8; P.L.96-2010, SEC.1; P.L.15-2011, SEC.2; P.L.255-2015, SEC.5.

IC 4-33-2-17.5

Repealed

(As added by P.L.233-2007, SEC.13. Repealed by P.L.229-2013, SEC.10.)

IC 4-33-2-18

"Supplier's license"

Sec. 18. "Supplier's license" means a license issued under IC 4-33-7.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-19

"Trustee"

Sec. 19. "Trustee" means a person granted authority under IC 4-33-21 to conduct gambling operations on a riverboat for the mutual benefit of:

(1) the state; and

(2) the owner of the riverboat.

As added by P.L.142-2009, SEC.2.

IC 4-33-3

Chapter 3. Indiana Gaming Commission

IC 4-33-3-0.3

Certain transfer fee rules void

Sec. 0.3. The following rules are void:

(1) An emergency rule adopted by the commission on April 21, 2005, pursuant to Indiana gaming commission resolution 2005-17 concerning the imposition of a transfer fee for riverboat license transfers.

(2) Any other rule adopted after April 1, 2005, that establishes a transfer fee for riverboat licenses, including operating permits.

As added by P.L.220-2011, SEC.53.

IC 4-33-3-1

Establishment of commission

Sec. 1. The Indiana gaming commission is established.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-2

Members; qualifications; appointment

Sec. 2. (a) The commission consists of seven (7) members appointed by the governor.

(b) Each member of the commission must:

(1) be a resident of Indiana; and

(2) have a reasonable knowledge of the practice, procedures, and principles of gambling operations.

(c) At least one (1) member of the commission must be experienced in law enforcement and criminal investigation.

(d) At least one (1) member of the commission must be a certified public accountant experienced in accounting and auditing.

(e) At least one (1) member of the commission must be an attorney admitted to the practice of law in Indiana.

(f) One (1) member of the commission must be a resident of a county described in IC 4-33-1-1(1).

(g) One (1) member of the commission must be a resident of a county described in IC 4-33-1-1(2).

(h) Not more than four (4) members may be affiliated with the same political party.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.170-2005, SEC.2.

IC 4-33-3-3

Chair

Sec. 3. The governor shall designate one (1) member of the commission to serve as chair.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-4

Terms

Sec. 4. (a) Except as provided in subsection (b), the term of office of a commission member is three (3) years.

(b) When making the initial appointments to the commission under this chapter, the governor shall do the following:

- (1) Appoint two (2) members to serve for terms of three (3) years.
- (2) Appoint two (2) members to serve for terms of two (2) years.
- (3) Appoint three (3) members to serve for terms of one (1) year.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-5

Vacancies

Sec. 5. A vacancy on the commission shall be filled for the unexpired term in the same manner as the original appointment.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-6

Reappointment

Sec. 6. Each member of the commission is eligible for reappointment at the discretion of the governor.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-7

Compensation

Sec. 7. Each member of the commission is entitled to receive the following:

- (1) Salary per diem, as provided in IC 4-10-11-2.1(b), for each day the member does any of the following:
 - (A) Attends a meeting of the commission.
 - (B) Conducts a hearing under this article.
- (2) Reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-8

Conflict of interest

Sec. 8. A person may not be appointed to the commission or continue to be a commission member if the person or the person's spouse, child, or parent is:

- (1) a member of the board of directors of; or
- (2) financially interested in;

a gambling operation subject to the jurisdiction of the commission.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-9

Other public office

Sec. 9. A commission member may not hold any other public office for which the member receives compensation other than necessary travel expenses or other incidental expenses.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-10

Moral character; felony conviction or indictment

Sec. 10. A person may not be appointed to the commission if:

- (1) the person is not of good moral character; or
- (2) the person:
 - (A) has been convicted of; or
 - (B) is under indictment for;a felony under Indiana law, the laws of any other state, or laws of the United States.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-11

Removal

Sec. 11. A member of the commission may be removed by the governor for any of the following reasons:

- (1) Neglect of duty.
- (2) Misfeasance.
- (3) Malfeasance.
- (4) Nonfeasance.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-12

Oath; bond

Sec. 12. Each member of the commission must, before beginning the discharge of the duties of the member's office, do the following:

- (1) Take an oath that the member will faithfully execute the duties of the member's office according to Indiana law and rules adopted under Indiana law.
- (2) Provide a bond to the state that:
 - (A) is approved by the governor;
 - (B) is for twenty-five thousand dollars (\$25,000); and
 - (C) is, after being executed and approved, recorded in the office of the secretary of state.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-13

Bond renewal

Sec. 13. If the governor determines that the bond of a commission

member has become or is likely to become invalid or insufficient, the governor shall immediately require the member to renew the member's bond. The governor must approve a bond renewed under this section.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-14

Removal for failing to take oath or provide bond

Sec. 14. The governor may remove a commission member who:

(1) does not:

(A) take the required oath; and

(B) provide the required bond;

not more than thirty (30) days after the member is appointed to the commission; or

(2) does not renew the member's bond not more than thirty (30) days after the governor requires the renewal under this chapter.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-15

Bond cost; payment by commission

Sec. 15. The commission may pay the cost of a bond given by a member of the commission under this chapter.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-16

Staff support; personnel

Sec. 16. The commission shall hire staff to carry out the duties of the commission. Upon the request of the commission, the department shall employ personnel necessary to carry out the duties of the commission.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.4.

IC 4-33-3-17

Employee conflict of interest

Sec. 17. (a) A person may not be employed to serve the commission if:

(1) the person or the person's spouse, parent, or child is:

(A) an official of an operator or operating agent engaged in gambling operations in Indiana; or

(B) a person with:

(i) a financial interest in; or

(ii) a financial relation with;

an operator or operating agent engaged in gambling operations in Indiana; or

(2) the person is a spouse, parent, or child of a commission member.

(b) The employment of a person employed in violation of

subsection (a) shall be terminated.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.9.

IC 4-33-3-18

Executive director; appointment; compensation

Sec. 18. (a) The governor shall appoint the executive director of the commission to serve at the pleasure of the governor. The executive director's compensation shall be approved annually by the governor under IC 4-12-2.

(b) The commission may by resolution assign to the executive director any duty imposed upon the commission by this article.

(c) The executive director shall perform the duties assigned to the executive director by the commission. The executive director may exercise any power conferred upon the commission by this article that is consistent with the duties assigned to the executive director under subsection (b).

(d) In addition to any salary paid under this section, the executive director is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the executive director's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.142-2009, SEC.3.

IC 4-33-3-19

Executive director; duties

Sec. 19. (a) The executive director shall devote the executive director's full time to the duties of the office.

(b) The executive director shall do the following:

(1) Keep records of all proceedings of the commission.

(2) Preserve all papers, books, documents, and other records belonging to or held by the commission.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.227-2007, SEC.46.

IC 4-33-3-20

Meetings

Sec. 20. (a) The commission shall hold at least one (1) meeting each quarter of the fiscal year.

(b) The chair or any two (2) commission members may call a special meeting. A special meeting may be held not earlier than seventy-two (72) hours after written notice has been sent to each member.

(c) Except as provided in this article, commission meetings are subject to IC 5-14-1.5.

(d) Four (4) members of the commission constitute a quorum of

the commission.

(e) Four (4) affirmative votes are required for the commission to take official action.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-21

Records

Sec. 21. (a) The commission shall keep a complete and accurate record of the commission's meetings.

(b) The commission shall maintain records that are separate from the records of any other state board or commission. The commission's records shall be available for public inspection and must accurately reflect all commission proceedings.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-22

Annual report

Sec. 22. (a) The commission shall file a written annual report with the governor before September 1 of each year. The commission shall file any additional reports that the governor requests.

(b) The annual report filed under this section must include a statement describing the following:

- (1) The receipts and disbursements of the commission.
- (2) Actions taken by the commission.
- (3) Any additional information and recommendations that:
 - (A) the commission considers useful; or
 - (B) the governor requests.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.188-2003, SEC.12.

IC 4-33-3-23

Hearings

Sec. 23. (a) A commission member or an administrative law judge appointed by the commission may do the following:

- (1) Conduct a hearing authorized under this article.
- (2) Recommend findings of fact and decisions to the commission.

(b) The commission member or administrative law judge conducting a hearing has all the powers and rights granted to the commission. A hearing under this article shall be conducted under IC 4-21.5.

(c) When conducting a public hearing, the commission shall not limit the number of speakers who may testify. However, the commission may set reasonable time limits on the length of an individual's testimony or the total amount of time allotted to proponents and opponents of an issue before the commission.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.52-1995, SEC.1.

IC 4-33-4

Chapter 4. Powers and Duties of Indiana Gaming Commission

IC 4-33-4-1

Administration, regulation, and enforcement of riverboat gambling

Sec. 1. (a) The commission has the following powers and duties for the purpose of administering, regulating, and enforcing the system of riverboat gambling established under this article:

- (1) All powers and duties specified in this article.
- (2) All powers necessary and proper to fully and effectively execute this article.
- (3) Jurisdiction and supervision over the following:
 - (A) All riverboat gambling operations in Indiana.
 - (B) All persons on riverboats where gambling operations are conducted.
- (4) Investigate and reinvestigate applicants and license holders and determine the eligibility of applicants for licenses or operating agent contracts.
- (5) Select among competing applicants the applicants that promote the most economic development in a home dock area and that best serve the interests of the citizens of Indiana.
- (6) Take appropriate administrative enforcement or disciplinary action against a licensee or an operating agent.
- (7) Investigate alleged violations of this article.
- (8) Establish fees for licenses issued under this article.
- (9) Adopt appropriate standards for the design, appearance, aesthetics, and construction for riverboats and facilities.
- (10) Conduct hearings.
- (11) Issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other relevant documents.
- (12) Administer oaths and affirmations to the witnesses.
- (13) Prescribe a form to be used by an operating agent or a licensee involved in the ownership or management of gambling operations as an application for employment by potential employees.
- (14) Revoke, suspend, or renew licenses issued under this article.
- (15) Hire employees to gather information, conduct investigations, and carry out other tasks under this article.
- (16) Take any reasonable or appropriate action to enforce this article.

(b) Applicants and license holders shall reimburse the commission for costs related to investigations and reinvestigations conducted under subsection (a)(4).

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.5; P.L.92-2003, SEC.10.

IC 4-33-4-2

Rules

Sec. 2. The commission shall adopt rules under IC 4-22-2 for the following purposes:

- (1) Administering this article.
- (2) Establishing the conditions under which riverboat gambling in Indiana may be conducted.
- (3) Providing for the prevention of practices detrimental to the public interest and providing for the best interests of riverboat gambling.
- (4) Establishing rules concerning inspection of riverboats and the review of the permits or licenses necessary to operate a riverboat.
- (5) Imposing penalties for noncriminal violations of this article.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.1-1995, SEC.38; P.L.92-2003, SEC.11.

IC 4-33-4-3

Additional duties of the commission

Sec. 3. (a) The commission shall do the following:

- (1) Adopt rules that the commission determines necessary to protect or enhance the following:
 - (A) The credibility and integrity of gambling operations authorized by this article.
 - (B) The regulatory process provided in this article.
- (2) Conduct all hearings concerning civil violations of this article.
- (3) Provide for the establishment and collection of license fees and taxes imposed under this article.
- (4) Deposit the license fees and taxes in the state gaming fund established by IC 4-33-13.
- (5) Levy and collect penalties for noncriminal violations of this article.
- (6) Deposit the penalties in the state gaming fund established by IC 4-33-13.
- (7) Be present through the commission's gaming agents during the time gambling operations are conducted on a riverboat to do the following:
 - (A) Certify the revenue received by a riverboat.
 - (B) Receive complaints from the public.
 - (C) Conduct other investigations into the conduct of the gambling games and the maintenance of the equipment that the commission considers necessary and proper.
- (8) Adopt emergency rules under IC 4-22-2-37.1 if the commission determines that:
 - (A) the need for a rule is so immediate and substantial that rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to address the need; and

- (B) an emergency rule is likely to address the need.
- (9) Adopt rules to establish and implement a voluntary exclusion program that meets the requirements of subsection (c).
- (10) Establish the requirements for a power of attorney submitted under IC 4-33-6-2(c), IC 4-33-6-22, IC 4-33-6.5-2(c), or IC 4-33-6.5-16.
- (b) The commission shall begin rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted under subsection (a)(8) not later than thirty (30) days after the adoption of the emergency rule under subsection (a)(8).
- (c) Rules adopted under subsection (a)(9) must provide the following:
- (1) Except as provided by rule of the commission, a person who participates in the voluntary exclusion program agrees to refrain from entering a riverboat or other facility under the jurisdiction of the commission.
 - (2) That the name of a person participating in the program will be included on a list of persons excluded from all facilities under the jurisdiction of the commission.
 - (3) Except as provided by rule of the commission, a person who participates in the voluntary exclusion program may not petition the commission for readmittance to a facility under the jurisdiction of the commission.
 - (4) That the list of patrons entering the voluntary exclusion program and the personal information of the participants are confidential and may only be disseminated by the commission to the owner or operator of a facility under the jurisdiction of the commission for purposes of enforcement and to other entities, upon request by the participant and agreement by the commission.
 - (5) That an owner of a facility under the jurisdiction of the commission shall make all reasonable attempts as determined by the commission to cease all direct marketing efforts to a person participating in the program.
 - (6) That an owner of a facility under the jurisdiction of the commission may not cash the check of a person participating in the program or extend credit to the person in any manner. However, the voluntary exclusion program does not preclude an owner from seeking the payment of a debt accrued by a person before entering the program.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.1-1995, SEC.39; P.L.27-1997, SEC.2; P.L.273-1999, SEC.40; P.L.14-2000, SEC.13; P.L.92-2003, SEC.12; P.L.143-2003, SEC.1; P.L.37-2004, SEC.1; P.L.170-2005, SEC.3; P.L.142-2009, SEC.4.

IC 4-33-4-3.5

Gaming agents; salaries and expenses; worker's compensation fee

Sec. 3.5. (a) As used in this section, "salaries and other expenses" does not include payments, rights, or benefits available to an employee under IC 22-3-2 through IC 22-3-7.

(b) The commission shall employ gaming agents to perform the duties imposed by this chapter. Gaming agents and staff required to support the gaming agents are employees of the commission and are not considered to be employees of licensed owners and operating agents.

(c) The licensed owners and operating agents shall, in the manner prescribed by the rules of the commission reimburse the commission for:

- (1) the training expenses incurred to train gaming agents;
- (2) the salaries and other expenses of staff required to support the gaming agents; and
- (3) the salaries and other expenses of the gaming agents required to be present during the time gambling operations are conducted on a riverboat.

(d) This subsection applies to a state fiscal year beginning after June 30, 2016. Each licensed owner and each operating agent shall annually pay a special worker's compensation coverage fee of twelve thousand dollars (\$12,000) to the commission to be used exclusively to assist the commission in offsetting potential state expenses incurred under IC 22-3-2 through IC 22-3-7 by gaming agents and staff required to support the gaming agents.

(e) This section is subject to section 3.7 of this chapter.

As added by P.L.53-1995, SEC.1. Amended by P.L.92-2003, SEC.13; P.L.170-2005, SEC.4; P.L.72-2016, SEC.1.

IC 4-33-4-3.6

Repealed

(As added by P.L.20-1995, SEC.6. Repealed by P.L.92-2003, SEC.63.)

IC 4-33-4-3.7

Application of 2016 amendments

Sec. 3.7. (a) Section 3.5 of this chapter, as in effect before July 1, 2015, applies to an injury or occupational disease occurring before July 1, 2015.

(b) Section 3.5 of this chapter, as amended during the 2016 session of the general assembly, applies to an injury or occupational disease occurring after June 30, 2015.

As added by P.L.72-2016, SEC.2.

IC 4-33-4-4

Entering premises of licensee

Sec. 4. The commission may enter an office, a riverboat, a facility, or other premises of an operating agent or a person holding an owner's, or supplier's license where evidence of the compliance or

noncompliance with this article is likely to be found.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.14.

IC 4-33-4-5

Licensing standards

Sec. 5. The commission shall adopt standards for the licensing of the following:

- (1) Persons regulated under this article.
- (2) Electronic or mechanical gambling games.
- (3) Limited mobile gaming systems and mobile gaming devices.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.229-2013, SEC.11.

IC 4-33-4-6

Records of licensee

Sec. 6. The commission shall require that the records, including financial statements, of an operating agent or a person holding an owner's, or supplier's license must be maintained in the manner prescribed by the commission.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.15.

IC 4-33-4-7

Ejection or exclusion from facilities

Sec. 7. (a) The commission may eject or exclude or authorize the ejection or exclusion of a person from riverboat gambling facilities if:

- (1) the person's name is on the list of persons voluntarily excluding themselves from all riverboats in a program established under the rules of the commission;
- (2) the person violates this article; or
- (3) the commission determines that the person's conduct or reputation is such that the person's presence within the riverboat gambling facilities may:
 - (A) call into question the honesty and integrity of the gambling operations; or
 - (B) interfere with the orderly conduct of the gambling operations.

(b) A person, other than a person participating in a voluntary exclusion program, may petition the commission for a hearing on the person's ejection or exclusion under this section.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.143-2003, SEC.2.

IC 4-33-4-8

Violations of article; fraudulent acts

Sec. 8. If a licensee, an operating agent, or an employee of a

licensee or an operating agent violates this article or engages in a fraudulent act, the commission may do any combination of the following:

- (1) Suspend, revoke, or restrict the license of the licensee, or suspend, revoke, or restrict the gambling operations of an operating agent.
- (2) Require the removal of a licensee or an employee of a licensee.
- (3) Impose a civil penalty of not more than five thousand dollars (\$5,000) against an individual who has been issued an occupational license for each violation of this article.
- (4) Impose a civil penalty of not more than the greater of:
 - (A) ten thousand dollars (\$10,000); or
 - (B) an amount equal to the licensee's or operating agent's daily gross receipts for the day of the violation;against an owner or operating agent for each violation of this article.
- (5) Impose a civil penalty of not more than twenty-five thousand dollars (\$25,000) against a person who has been issued a supplier's license for each violation of this article.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.16; P.L.143-2003, SEC.3.

IC 4-33-4-9

Cashless wagering system

Sec. 9. The commission shall require an owner or operating agent conducting gambling games to use a cashless wagering system in which a player's money is converted to tokens, electronic cards, or chips that may be used only for wagering on the riverboat.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.17.

IC 4-33-4-10

Cruises; regulation of routes and stops

Sec. 10. If a riverboat cruises, the commission shall authorize the route of the riverboat and the stops, if any, that the riverboat may make while on a cruise.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.10.

IC 4-33-4-11

Insurance

Sec. 11. The commission shall establish the minimum amount of insurance that must be maintained by:

- (1) an operating agent; or
- (2) owner and supplier licensees.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.18.

IC 4-33-4-12

Alcoholic beverages

Sec. 12. Except as provided by IC 7.1-3-17.5, IC 7.1 and the rules adopted by the alcohol and tobacco commission apply to:

- (1) an operating agent; and
- (2) a person holding an owner's license.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.15-1994, SEC.2; P.L.204-2001, SEC.8; P.L.92-2003, SEC.19.

IC 4-33-4-13

Determination of navigable waterways; approval of permanently moored craft

Sec. 13. (a) This section does not apply to a riverboat:

- (1) located in a historic hotel district; or
- (2) described in IC 4-33-2-17(4).

(b) After consulting with the United States Army Corps of Engineers, the commission may do the following:

- (1) Determine the waterways that are navigable waterways for purposes of this article.
- (2) Determine the navigable waterways that are suitable for the operation of riverboats under this article.
- (3) Approve a plan submitted under IC 4-33-6-23 for:
 - (A) the construction of a new permanently moored craft; or
 - (B) the conversion of a self-propelled excursion boat into a permanently moored craft.

(c) In determining the navigable waterways on which riverboats may operate, the commission shall do the following:

- (1) Obtain any required approvals from the United States Army Corps of Engineers for the operation of riverboats on those waterways.
- (2) Consider the economic benefit that riverboat gambling provides to Indiana.
- (3) Seek to ensure that all regions of Indiana share in the economic benefits of riverboat gambling.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.1-1995, SEC.40; P.L.92-2003, SEC.20; P.L.15-2011, SEC.3; P.L.255-2015, SEC.6.

IC 4-33-4-13.5

Marine structural and life safety standards for permanently moored craft

Sec. 13.5. The commission shall:

- (1) determine the appropriate marine structural and life safety standards for a permanently moored craft approved under section 13 of this chapter; and
- (2) establish maintenance requirements and an inspection schedule to enforce the standards.

This section does not require a licensed owner converting a

self-propelled excursion boat into a permanently moored craft to substantially alter the marine structural and life safety systems of the excursion boat that were required to comply with IC 4-33-6-6 if the self-propelled excursion boat was in service before January 1, 2011.
As added by P.L.15-2011, SEC.4.

IC 4-33-4-14

Navigable waterways; extreme circumstances

Sec. 14. The commission may adopt emergency orders under IC 4-21.5-4 concerning navigability of waterways for extreme weather conditions or other extreme circumstances.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-4-15

Annual duties of gaming commission

Sec. 15. The commission shall annually do the following:

- (1) Review the patterns of wagering and wins and losses by persons on riverboat gambling operations under this article.
- (2) Make recommendations to the governor and the general assembly concerning whether limits on wagering losses should be imposed.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.21.

IC 4-33-4-16

Investigative procedures; complaints

Sec. 16. (a) The commission shall review and make a determination on a complaint by an operating agent or a person who has been issued an owner's license concerning an investigative procedure that the licensee alleges is unnecessarily disruptive of gambling operations.

(b) A licensee or an operating agent filing a complaint under this section must prove all of the following by clear and convincing evidence:

- (1) The investigative procedure had no reasonable law enforcement purpose.
- (2) The investigative procedure was so disruptive as to unreasonably inhibit gambling operations.

(c) For purposes of this section, the need to inspect and investigate a licensee or an operating agent shall be presumed at all times.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.22.

IC 4-33-4-17

Commission consideration of license applications

Sec. 17. (a) The commission shall decide promptly and in reasonable order all license applications.

(b) A party aggrieved by an action of the commission denying, suspending, revoking, restricting, or refusing the renewal of a license may request a hearing before the commission. A request for a hearing must be made to the commission in writing not more than ten (10) days after service of notice of the action of the commission.

(c) The commission shall serve notice of the commission's actions to a party by personal delivery or by certified mail. Notice served by certified mail is considered complete on the business day following the date of the mailing.

(d) The commission shall conduct all requested hearings promptly and in reasonable order.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.1-1994, SEC.13; P.L.92-2003, SEC.23; P.L.229-2013, SEC.12.

IC 4-33-4-18

Background investigations

Sec. 18. (a) The state police department may assist the commission in conducting background investigations of applicants. The commission may forward all fingerprints required to be submitted by license applicants under IC 4-33 to the Federal Bureau of Investigation or any other agency for the purpose of screening applicants. The commission shall reimburse the state police department for the costs incurred by the state police department as a result of the assistance. The commission shall make the payment from fees collected from applicants.

(b) The commission through its gaming agents shall conduct background investigations of applicants. Costs incurred conducting the investigations must be paid from fees collected from applicants.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.261-2003, SEC.4; P.L.170-2005, SEC.5.

IC 4-33-4-19

Revocation of licenses

Sec. 19. The commission shall revoke the license of a licensee who operates a riverboat upon Patoka Lake if that licensee violates any of the following:

- (1) IC 14-26-2-7.
- (2) IC 14-26-2-23.
- (3) IC 14-28-1.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.1-1995, SEC.41; P.L.152-2006, SEC.1.

IC 4-33-4-20

Void licenses

Sec. 20. If the United States Army Corps of Engineers rescinds an approval required under section 13 of this chapter, a license issued under this article is void and the holder of the license may not conduct or continue gambling operations under this article.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-4-21

Licenses; transfer, sale, purchase, or voting trust; rules of procedure; prohibitions

Sec. 21. (a) A licensed owner or any other person must apply for and receive the commission's approval before:

(1) an owner's license is:

(A) transferred;

(B) sold; or

(C) purchased; or

(2) a voting trust agreement or other similar agreement is established with respect to the owner's license.

(b) Subject to section 24 of this chapter, the commission shall adopt rules governing the procedure a licensed owner or other person must follow to take an action under subsection (a). The rules must specify that a person who obtains an ownership interest in a license must meet the criteria of this article and any rules adopted by the commission. A licensed owner may transfer an owner's license only in accordance with this article and rules adopted by the commission.

(c) A licensed owner or any other person may not:

(1) lease;

(2) hypothecate; or

(3) borrow or loan money against;

an owner's license.

(d) A transfer fee is imposed on a licensed owner who purchases or otherwise acquires a controlling interest, as determined under the rules of the commission, in a second owner's license. The fee is equal to two million dollars (\$2,000,000). The commission shall collect and deposit a fee imposed under this subsection in the state general fund.

As added by P.L.20-1995, SEC.7. Amended by P.L.224-2003, SEC.42; P.L.182-2009(ss), SEC.59.

IC 4-33-4-21.2

Display and maintenance of toll free telephone number

Sec. 21.2. (a) The Indiana gaming commission shall require a licensed owner or an operating agent to conspicuously display the number of the toll free telephone line described in IC 4-33-12-6 in the following locations:

(1) On each admission ticket to a riverboat if tickets are issued.

(2) On a poster or placard that is on display in a public area of each riverboat where gambling games are conducted.

(b) The toll free telephone line described in IC 4-33-12-6 must be:

(1) maintained by the division of mental health and addiction under IC 12-23-1-6; and

(2) funded by the addiction services fund established by IC 12-23-2-2.

(c) The commission may adopt rules under IC 4-22-2 necessary to carry out this section.

As added by P.L.54-1995, SEC.1. Amended by P.L.215-2001, SEC.5; P.L.192-2002(ss), SEC.11; P.L.92-2003, SEC.24.

IC 4-33-4-22

Rules concerning hours of operation

Sec. 22. (a) The commission may not adopt a rule or resolution limiting the ordinary business hours in which a licensed owner that has implemented flexible scheduling under IC 4-33-6-21 may conduct gambling operations.

(b) This section may not be construed to limit the commission's power to:

(1) enforce this article under IC 4-33-4-1(a)(6), IC 4-33-4-1(a)(7), or IC 4-33-4-8; or

(2) respond to an emergency, as determined by the commission.

As added by P.L.224-2003, SEC.43. Amended by P.L.97-2004, SEC.14.

IC 4-33-4-23

Licensed owners annual reports; incentive payments

Sec. 23. (a) An operating agent or a person holding an owner's license must report annually to the commission the following:

(1) The total dollar amounts and recipients of incentive payments made.

(2) Any other items related to the payments described in subdivision (1) that the commission may require.

(b) The commission shall prescribe, with respect to the report required by subsection (a):

(1) the format of the report;

(2) the deadline by which the report must be filed; and

(3) the manner in which the report must be maintained and filed.

As added by P.L.199-2005, SEC.1.

IC 4-33-4-24

Prohibition of fee for proposed transfer of ownership

Sec. 24. The commission may not do the following:

(1) Impose by rule a fee that is not authorized by this article on any party to a proposed transfer of an ownership interest in a riverboat owner's license or an operating permit.

(2) Make the commission's approval of a proposed transfer of an ownership interest in a riverboat owner's license or an operating permit contingent upon the payment of any amount that is not authorized by this article.

As added by P.L.182-2009(ss), SEC.60.

IC 4-33-4-24.2

Model power of attorney

Sec. 24.2. The executive director shall establish a model power of attorney setting forth the terms and conditions under which a trustee may conduct gambling operations on a riverboat under IC 4-33-21. The executive director may provide a copy of the model power of attorney to any interested party.

As added by P.L.142-2009, SEC.5.

IC 4-33-4-25**Appointment of temporary trustee**

Sec. 25. (a) The commission may appoint a person to serve as a temporary trustee for a particular riverboat if the commission makes the following findings:

- (1) That circumstances requiring a trustee to assume control of the riverboat are likely to occur.
- (2) That the commission has not approved a power of attorney identifying any other person to serve as the trustee for the riverboat.
- (3) That there is not enough time to consider and approve a power of attorney with respect to the riverboat before the circumstances found likely to occur under subdivision (1) will occur.

(b) A person appointed under this section must be qualified to perform any duty described in this section or IC 4-33-21.

(c) A trustee appointed by the commission under this section shall serve until any of the following occurs:

- (1) The commission adopts a resolution under IC 4-33-21-3 authorizing a trustee appointed by an approved power of attorney to conduct gambling operations under IC 4-33-21 on the riverboat.
- (2) The commission revokes the trustee's authority to conduct gambling operations under IC 4-33-21-12.
- (3) A new licensed owner or operating agent assumes control of the riverboat.

(d) A trustee appointed by the commission under this section shall exercise the trustee's powers in accordance with:

- (1) the model power of attorney established by the executive director under section 24.2 of this chapter; and
- (2) IC 4-33-21.

As added by P.L.142-2009, SEC.6.

IC 4-33-4-26**Civil penalties for violations concerning a power of attorney**

Sec. 26. The commission may impose a civil penalty upon a person who:

- (1) fails to submit a power of attorney before a deadline imposed by this article;
- (2) fails to take any corrective action required by the

commission with respect to a power of attorney submitted under IC 4-33-6-2(c), IC 4-33-6-22, IC 4-33-6.5-2(c), or IC 4-33-6.5-16; or

(3) violates any provision of this article concerning the submission of a power of attorney identifying the person who would serve as a trustee under the power of attorney.

As added by P.L.142-2009, SEC.7.

IC 4-33-4-27

Withholding delinquent child support from winnings; fee; notice; priority of order over other claims

Sec. 27. (a) The bureau shall provide information to a licensed owner, an operating agent, or a trustee concerning persons who are delinquent in child support.

(b) If a licensed owner, an operating agent, or a trustee is required to file Form W-2G or a substantially equivalent form with the United States Internal Revenue Service for a person who is delinquent in child support, before payment of cash winnings to the person, the licensed owner, operating agent, or trustee:

(1) may deduct and retain an administrative fee in the amount of the lesser of:

(A) three percent (3%) of the amount of delinquent child support withheld under subdivision (2)(A); or

(B) one hundred dollars (\$100); and

(2) shall:

(A) withhold the amount of delinquent child support owed from the cash winnings;

(B) transmit to the bureau:

(i) the amount withheld for delinquent child support; and

(ii) identifying information, including the full name, address, and Social Security number of the obligor and the child support case identifier, the date and amount of the payment, and the name and location of the licensed owner, operating agent, or trustee; and

(C) issue the obligor a receipt in a form prescribed by the bureau with the total amount withheld for delinquent child support and the administrative fee.

(c) The bureau shall notify the obligor at the address provided by the licensed owner, operating agent, or trustee that the bureau intends to offset the obligor's delinquent child support with the cash winnings.

(d) The bureau shall hold the amount withheld from cash winnings of an obligor for ten (10) business days before applying the amount as payment to the obligor's delinquent child support.

(e) The delinquent child support required to be withheld under this section and an administrative fee described under subsection (b)(1) have priority over any secured or unsecured claim on cash winnings except claims for federal or state taxes that are required to

be withheld under federal or state law.
As added by P.L.80-2010, SEC.1.

IC 4-33-4.5

Chapter 4.5. Gaming Commission Gaming Agents

IC 4-33-4.5-1

Police powers and duties

Sec. 1. (a) A gaming agent is vested with full police powers and duties to enforce this article.

(b) A gaming agent may issue a summons for an infraction or a misdemeanor violation if the defendant promises to appear by signing the summons. A defendant who signs a summons issued under this subsection but fails to appear is subject to the penalties provided by IC 35-44.1-2-10. Upon the defendant's failure to appear, the court shall issue a warrant for the arrest of the defendant.

(c) In addition to the powers and duties vested under subsection (a), a gaming agent may act as an officer for the arrest of offenders who violate the laws of Indiana if the gaming agent reasonably believes that a crime has been, is being, or is about to be committed or attempted in the gaming agent's presence.

As added by P.L.170-2005, SEC.6. Amended by P.L.126-2012, SEC.14.

IC 4-33-4.5-2

Surety bonds

Sec. 2. Each gaming agent shall execute a surety bond in the amount of one thousand dollars (\$1,000), with surety approved by the commission, and an oath of office, both of which must be filed with the executive director.

As added by P.L.170-2005, SEC.6.

IC 4-33-4.5-3

Compensable injury to, injury to the health of, or death of a gaming agent

Sec. 3. (a) The injury to, injury to the health of, or death of a gaming agent is compensable under the appropriate provisions of IC 22-3-2 through IC 22-3-7 if the injury, injury to the health of, or death arises out of and in the course of the performance of the agent's duties as a gaming agent.

(b) For purposes of subsection (a) and IC 22-3-2 through IC 22-3-7, a gaming agent is conclusively presumed to have accepted the compensation provisions included in the parts of the Indiana Code referred to in this subsection.

As added by P.L.170-2005, SEC.6.

IC 4-33-4.5-4

Retirement of a gaming agent with at least 20 years of service

Sec. 4. An eligible gaming agent who retires with at least twenty (20) years of service as a gaming agent:

(1) may retain the agent's service weapon;

(2) may receive, in recognition of the agent's service to the commission and to the public, a badge that indicates that the agent is retired; and

(3) shall be issued by the commission an identification card stating the agent's name and rank, signifying that the agent is retired, and noting the agent's authority to retain the service weapon.

As added by P.L.170-2005, SEC.6.

IC 4-33-4.5-5

Salary matrix

Sec. 5. The commission shall create a matrix for salary ranges for gaming agents, which must be reviewed and approved by the budget agency before implementation.

As added by P.L.170-2005, SEC.6.

IC 4-33-5

Chapter 5. Disclosure of Records

IC 4-33-5-1

License and operator agent contract applicants; disclosure of information

Sec. 1. An applicant for a license or an operating agent contract under this article must provide the following information to the commission:

- (1) The name, business address, and business telephone number of the applicant.
- (2) An identification of the applicant.
- (3) The following information for an applicant that is not an individual:
 - (A) The state of incorporation or registration.
 - (B) The names of all corporate officers.
 - (C) The identity of the following:
 - (i) Any person in which the applicant has an equity interest of at least one percent (1%) of all shares. The identification must include the state of incorporation or registration if applicable. However, an applicant that has a pending registration statement filed with the Securities and Exchange Commission is not required to provide information under this item.
 - (ii) The shareholders or participants of the applicant. An applicant that has a pending registration statement filed with the Securities and Exchange Commission is required to provide only the names of persons holding an interest of more than one percent (1%) of all shares.
- (4) An identification of any business, including the state of incorporation or registration if applicable, in which an applicant or the spouse or children of an applicant has an equity interest of more than one percent (1%) of all shares.
- (5) If the applicant has been indicted, been convicted, pleaded guilty or nolo contendere, or forfeited bail concerning a criminal offense other than a traffic violation under the laws of any jurisdiction. The applicant must include the following information under this subdivision:
 - (A) The name and location of the following:
 - (i) The court.
 - (ii) The arresting agency.
 - (iii) The prosecuting agency.
 - (B) The case number.
 - (C) The date and type of offense.
 - (D) The disposition of the case.
 - (E) The location and length of incarceration.
- (6) If the applicant has had a license or certificate issued by a licensing authority in Indiana or any other jurisdiction denied,

restricted, suspended, revoked, or not renewed. An applicant must provide the following information under this subdivision:

(A) A statement describing the facts and circumstances concerning the denial, restriction, suspension, revocation, or nonrenewal.

(B) The date each action described in clause (A) was taken.

(C) The reason each action described in clause (A) was taken.

(7) If the applicant has:

(A) filed or had filed against the applicant a proceeding in bankruptcy; or

(B) been involved in a formal process to adjust, defer, suspend, or work out the payment of a debt;

including the date of filing, the name and location of the court, and the case and number of the disposition.

(8) If the applicant has filed or been served with a complaint or notice filed with a public body concerning:

(A) a delinquency in the payment of; or

(B) a dispute over a filing concerning the payment of; a tax required under federal, state, or local law, including the amount, type of tax, the taxing agency, and times involved.

(9) A statement listing the names and titles of public officials or officers of units of government and relatives of the public officials or officers who directly or indirectly:

(A) have a financial interest in;

(B) have a beneficial interest in;

(C) are the creditors of;

(D) hold a debt instrument issued by; or

(E) have an interest in a contractual or service relationship with;

an applicant.

(10) If an applicant for an operating agent contract or an owner's or a supplier's license has directly or indirectly made a political contribution, loan, donation, or other payment to a candidate or an office holder in Indiana not more than five (5) years before the date the applicant filed the application. An applicant must provide information concerning the amount and method of a payment described in this subdivision.

(11) The name and business telephone number of the attorney who will represent the applicant in matters before the commission.

(12) A description of a proposed or an approved riverboat gaming operation, including the following information:

(A) The type of riverboat.

(B) The site or home dock location of the riverboat.

(C) The expected economic benefit to local communities.

(D) The anticipated or actual number of employees.

(E) Any statements from the applicant concerning

compliance with federal and state affirmative action guidelines.

(F) Anticipated or actual admissions.

(G) Anticipated or actual adjusted gross gaming receipts.

(13) A description of the product or service to be supplied by the applicant if the applicant has applied for a supplier's license.

(14) The following information from each licensee or operating agent involved in the ownership or management of gambling operations:

(A) An annual balance sheet.

(B) An annual income statement.

(C) A list of the stockholders or other persons having at least a one percent (1%) beneficial interest in the gambling activities of the person who has been issued the owner's license or operating agent contract.

(D) Any other information the commission considers necessary for the effective administration of this article.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.25; P.L.97-2004, SEC.15; P.L.229-2013, SEC.13.

IC 4-33-5-1.5

Confidential information

Sec. 1.5. (a) The following information submitted, collected, or gathered as part of an application to the commission for a license is confidential for purposes of IC 5-14-3-4:

(1) Any information concerning a minor child of an applicant.

(2) The Social Security number of an applicant or the spouse of an applicant.

(3) The home telephone number of an applicant, or the spouse or children of an applicant.

(4) An applicant's birth certificate.

(5) An applicant's or applicant's spouse's driver's license number.

(6) The name or address of a previous spouse of the applicant.

(7) The date of birth of the spouse of an applicant.

(8) The place of birth of the spouse of an applicant.

(9) The personal financial records of an applicant or the spouse or minor child of an applicant.

(10) Any information concerning a victim of domestic violence, sexual assault, or stalking.

(11) The electronic mail address of an applicant or spouse or family member of the applicant.

(b) Except as provided in subsections (c) and (d), in addition to information that is confidential under subsection (a), all information maintained by the commission concerning an individual who holds, held, or has applied for an occupational license under this article:

(1) is confidential for purposes of IC 5-14-3; and

(2) may be released by the commission only for law

enforcement purposes or to a state or local public agency.

(c) The following information concerning an individual who holds, held, or has applied for an occupational license under this article is not confidential:

- (1) The individual's name.
- (2) The individual's place of employment.
- (3) The individual's job title.
- (4) The individual's gaming experience.
- (5) The reason for denial or revocation of a license or for disciplinary action against the individual.
- (6) Information submitted by the individual for a felony waiver request under IC 4-33-8-11.

(d) An individual who holds, held, or has applied for an occupational license under this article may waive the confidentiality requirements of subsection (b).

As added by P.L.125-2006, SEC.1. Amended by P.L.104-2008, SEC.2.

IC 4-33-5-2

Commission records

Sec. 2. Notwithstanding any other law, upon written request from a person, the commission shall provide the following information to the person:

- (1) Except as provided in section 1.5 of this chapter, the information provided under section 1 of this chapter concerning a licensee or an applicant.
- (2) The amount of the wagering tax and admission tax paid daily to the state by a licensed owner or an operating agent.
- (3) A copy of a letter providing the reasons for the denial of an owner's license or an operating agent's contract.
- (4) A copy of a letter providing the reasons for the commission's refusal to allow an applicant to withdraw the applicant's application.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.26; P.L.125-2006, SEC.2.

IC 4-33-5-3

Fees

Sec. 3. The commission may assess fees for the copying of information provided by the commission.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-6

Chapter 6. Licensing of Owners

IC 4-33-6-1

Maximum number of licenses

Sec. 1. (a) The commission may issue to a person a license to own a riverboat subject to the numerical and geographical limitation of owner's licenses under this section, section 3.5 of this chapter, and IC 4-33-4-17. However, not more than ten (10) owner's licenses may be in effect at any time. Those ten (10) licenses are as follows:

- (1) Two (2) licenses for a riverboat that operates from the city of Gary.
- (2) One (1) license for a riverboat that operates from the city of Hammond.
- (3) One (1) license for a riverboat that operates from the city of East Chicago.
- (4) One (1) license for a city located in the counties described under IC 4-33-1-1(1). This license may not be issued to a city described in subdivisions (1) through (3).
- (5) A total of five (5) licenses for riverboats that operate upon the Ohio River from the following counties:
 - (A) Vanderburgh County.
 - (B) Harrison County.
 - (C) Switzerland County.
 - (D) Ohio County.
 - (E) Dearborn County.

The commission may not issue a license to an applicant if the issuance of the license would result in more than one (1) riverboat operating from a county described in this subdivision.

(b) In addition to its power to issue owner's licenses under subsection (a), the commission may also enter into a contract under IC 4-33-6.5 with respect to the operation of one (1) riverboat on behalf of the commission in a historic hotel district.

(c) A person holding an owner's license may not move the person's riverboat from the county in which the riverboat was docked on January 1, 2007, to any other county.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.8; P.L.55-1995, SEC.1; P.L.92-2003, SEC.27; P.L.149-2003, SEC.1; P.L.233-2007, SEC.14; P.L.137-2012, SEC.3; P.L.229-2013, SEC.14.

IC 4-33-6-2

Applicant requirements for an owner's license

Sec. 2. (a) A person applying for an owner's license under this chapter must pay a nonrefundable application fee to the commission. The commission shall determine the amount of the application fee.

(b) An applicant must submit the following on forms provided by the commission:

(1) If the applicant is an individual, two (2) sets of the individual's fingerprints.

(2) If the applicant is not an individual, two (2) sets of fingerprints for each officer and director of the applicant.

(c) This subsection applies to an applicant who applies after June 30, 2009, for an owner's license. An applicant shall submit for the approval of the commission a written power of attorney identifying the person who, if approved by the commission, would serve as the applicant's trustee to operate the riverboat. The power of attorney submitted under this subsection must:

(1) be executed in the manner required by IC 30-5;

(2) describe the powers that may be delegated to the proposed trustee;

(3) conform with the requirements established by the commission under IC 4-33-4-3(a)(10); and

(4) be submitted on the date that the applicant pays the application fee described in subsection (a).

(d) The commission shall review the applications for an owner's license under this chapter and shall inform each applicant of the commission's decision concerning the issuance of the owner's license.

(e) The costs of investigating an applicant for an owner's license under this chapter shall be paid from the application fee paid by the applicant.

(f) An applicant for an owner's license under this chapter must pay all additional costs that are:

(1) associated with the investigation of the applicant; and

(2) greater than the amount of the application fee paid by the applicant.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.142-2009, SEC.8.

IC 4-33-6-3

Restrictions on issuance

Sec. 3. The commission may not issue an owner's license under this chapter to a person if:

(1) the person has been convicted of a felony under Indiana law, the laws of any other state, or laws of the United States;

(2) the person has knowingly or intentionally submitted an application for a license under this chapter that contains false information;

(3) the person is a member of the commission;

(4) the person is an officer, a director, or a managerial employee of a person described in subdivision (1) or (2);

(5) the person employs an individual who:

(A) is described in subdivision (1), (2), or (3); and

(B) participates in the management or operation of gambling operations authorized under this article;

- (6) the person owns an ownership interest of more than the total amount of ownership interest permitted under section 3.5 of this chapter; or
- (7) a license issued to the person:
 - (A) under this article; or
 - (B) to own or operate gambling facilities in another jurisdiction;has been revoked.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.149-2003, SEC.2.

IC 4-33-6-3.5

Maximum number of owner's licenses that may be issued to a riverboat owner

Sec. 3.5. (a) For purposes of this section, a person is considered to have an ownership interest in a riverboat owner's license if the interest is owned directly or indirectly by the person or by an entity controlled by the person.

(b) A person may have up to a one hundred percent (100%) ownership interest in not more than two (2) riverboat licenses issued under this chapter.

(c) A person may not have an ownership interest in more than two (2) riverboat owner's licenses issued under this chapter.

(d) This section may not be construed to increase the maximum number of licenses permitted under section 1 of this chapter or the number of riverboats that may be owned and operated under a license under section 10 of this chapter.

As added by P.L.149-2003, SEC.3.

IC 4-33-6-4

Factors considered in granting licenses; submission of riverboat and dock design

Sec. 4. (a) In determining whether to grant an owner's license to an applicant, the commission shall consider the following:

- (1) The character, reputation, experience, and financial integrity of the following:
 - (A) The applicant.
 - (B) A person that:
 - (i) directly or indirectly controls the applicant; or
 - (ii) is directly or indirectly controlled by the applicant or by a person that directly or indirectly controls the applicant.
- (2) The facilities or proposed facilities for the conduct of riverboat gambling.
- (3) The highest prospective total revenue to be collected by the state from the conduct of riverboat gambling.
- (4) The good faith affirmative action plan of each applicant to recruit, train, and upgrade minorities in all employment

classifications.

(5) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.

(6) If the applicant has adequate capitalization to provide and maintain a riverboat for the duration of the license.

(7) The extent to which the applicant exceeds or meets other standards adopted by the commission.

(b) This subsection does not apply to:

(1) a licensed owner constructing a new riverboat under section 24 of this chapter; or

(2) a person applying for an owner's license to assume control of a riverboat operating from a dock previously approved by the commission.

In an application for an owner's license, the applicant must submit to the commission a proposed design of the riverboat and the dock. The commission may not grant a license to an applicant if the commission determines that it will be difficult or unlikely for the riverboat to depart from the dock.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.9; P.L.55-1995, SEC.2; P.L.255-2015, SEC.7.

IC 4-33-6-5

Location of riverboat or inland casino

Sec. 5. In an application for an owner's license, the applicant must state:

(1) the dock at which the riverboat is based and the navigable waterway on which the riverboat will operate; or

(2) in the case of an application for an owner's license to own and operate an inland casino under section 24 of this chapter, the site of the inland casino.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.255-2015, SEC.8.

IC 4-33-6-6

Riverboat requirements

Sec. 6. (a) Except as provided in subsection (c) or (d), a riverboat that operates in a county described in IC 4-33-1-1(1) or IC 4-33-1-1(2) must:

(1) have either:

(A) a valid certificate of inspection from the United States Coast Guard for the carrying of at least five hundred (500) passengers; or

(B) a valid certificate of compliance with marine structural and life safety standards determined by the commission; and

(2) be at least one hundred fifty (150) feet in length.

(b) This subsection applies only to a riverboat that operates on the Ohio River. A riverboat must replicate, as nearly as possible, historic Indiana steamboat passenger vessels of the nineteenth century.

However, steam propulsion or overnight lodging facilities are not required under this subsection.

(c) A riverboat described in IC 4-33-2-17(3) must have a valid certificate of compliance with the marine structural and life safety standards determined by the commission under IC 4-33-4-13.5 for a permanently moored craft.

(d) A riverboat constructed under section 24 of this chapter must comply with all applicable building codes and any safety requirements imposed by the commission.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.10; P.L.92-2003, SEC.28; P.L.170-2005, SEC.7; P.L.15-2011, SEC.5; P.L.255-2015, SEC.9.

IC 4-33-6-7

Economic development

Sec. 7. (a) In granting a license under this chapter, the commission may give favorable consideration to the following:

- (1) Economically depressed areas of Indiana.
- (2) Applicants presenting plans that provide for significant economic development over a large geographic area.

(b) This subsection applies to any owner's license issued for a city described in section 1(a)(1) of this chapter. The commission must require the applicant to provide assurances that economic development will occur in the city and that adequate infrastructure and site preparation will be provided to support the riverboat operation. In order to prove the assurance that economic development will occur, the applicant must:

- (1) construct or provide for the construction of an approved hotel; or
- (2) cause economic development that will have an economic impact on the city that exceeds the economic impact that the construction of an approved hotel would have.

(c) This subsection applies to an owner's license issued for the City of East Chicago. If a controlling interest in the owner's license is transferred, the fiscal body of the City of East Chicago may adopt an ordinance voiding any term of the development agreement (as defined by IC 36-1-8-9.5) between:

- (1) the city; and
- (2) the person transferring the controlling interest in the owner's license;

that is in effect as of the date the controlling interest is transferred. The ordinance may provide for any payments made under the redevelopment agreement, including those held in escrow, to be redirected to the City of East Chicago for use as directed by ordinance of the city fiscal body. A requirement to redirect a payment is valid to the same extent as if the requirement had been part of the original agreement. If the ordinance provides for the voiding and renegotiation of any part of a redevelopment agreement,

the mayor of the City of East Chicago may negotiate with the person acquiring a controlling interest in the owner's license to replace any terms voided by the ordinance. Terms negotiated under this subsection must be ratified in an ordinance adopted by the city legislative body.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.234-2007, SEC.302.

IC 4-33-6-8

Issuance of license; fee; bond

Sec. 8. If the commission determines that a person is eligible under this chapter for an owner's license, the commission may issue an owner's license to the person if:

- (1) the person pays an initial license fee of twenty-five thousand dollars (\$25,000); and
- (2) the person posts a bond as required in section 9 of this chapter.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-6-9

Bond

Sec. 9. (a) A licensed owner must post a bond with the commission at least sixty (60) days before the commencement of gambling on the riverboat.

(b) The bond shall be furnished in:

- (1) cash or negotiable securities;
- (2) a surety bond:
 - (A) with a surety company approved by the commission; and
 - (B) guaranteed by a satisfactory guarantor; or
- (3) an irrevocable letter of credit issued by a banking institution of Indiana acceptable to the commission.

(c) If a bond is furnished in cash or negotiable securities, the principal shall be placed without restriction at the disposal of the commission, but income inures to the benefit of the licensee.

(d) The bond:

- (1) is subject to the approval of the commission;
- (2) must be in an amount that the commission determines will adequately reflect the amount that a local community will expend for infrastructure and other facilities associated with a riverboat operation; and
- (3) must be payable to the commission as obligee for use in payment of the licensed owner's financial obligations to the local community, the state, and other aggrieved parties, as determined by the rules of the commission.

(e) If after a hearing (after at least five (5) days written notice) the commission determines that the amount of a licensed owner's bond is insufficient, the licensed owner shall upon written demand of the commission file a new bond.

(f) The commission may require a licensed owner to file a new bond with a satisfactory surety in the same form and amount if:

- (1) liability on the old bond is discharged or reduced by judgment rendered, payment made, or otherwise; or
- (2) in the opinion of the commission any surety on the old bond becomes unsatisfactory.

(g) If a new bond obtained under subsection (e) or (f) is unsatisfactory, the commission shall cancel the owner's license. If the new bond is satisfactorily furnished, the commission shall release in writing the surety on the old bond from any liability accruing after the effective date of the new bond.

(h) A bond is released on the condition that the licensed owner remains at the site for which the owner's license is granted for the lesser of:

- (1) five (5) years; or
- (2) the date the commission grants a license to another licensed owner to operate from the site for which the bond was posted.

(i) A licensed owner who does not meet the requirements of subsection (h) forfeits a bond filed under this section. The proceeds of a bond that is in default under this subsection are paid to the commission for the benefit of the local unit from which the riverboat operated.

(j) The total and aggregate liability of the surety on a bond is limited to the amount specified in the bond, and the continuous nature of the bond may in no event be construed as allowing the liability of the surety under a bond to accumulate for each successive approval period during which the bond is in force.

(k) A bond filed under this section is released sixty (60) days after:

- (1) the time has run under subsection (h); and
- (2) a written request is submitted by the licensed owner.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.12.

IC 4-33-6-10

Riverboat operation and docking; flexible scheduling; license expiration

Sec. 10. (a) An owner's license issued under this chapter permits the holder to own and operate one (1) riverboat and equipment for each license.

(b) The holder of an owner's license issued under this chapter may implement flexible scheduling for the operation of the holder's riverboat under section 21 of this chapter.

(c) Except as provided in subsections (d) and (e), an owner's license issued under this chapter must specify the place where the riverboat must operate and dock.

(d) The commission may permit a riverboat to dock at a temporary dock in the applicable city for a specific period of time not to exceed

one (1) year after the owner's license is issued.

(e) An owner's license issued with respect to a riverboat constructed under section 24 of this chapter must specify the site of the riverboat.

(f) An owner's initial license expires five (5) years after the effective date of the license.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.13; P.L.255-2015, SEC.10.

IC 4-33-6-11

Revocation of license

Sec. 11. The commission may revoke an owner's license if:

- (1) the licensee begins regular operations more than twelve (12) months after receiving the commission's approval of the application for the license; and
- (2) the commission determines that the revocation of the license is in the best interests of Indiana.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.14.

IC 4-33-6-12

Renewal of license; compliance investigations

Sec. 12. (a) Unless the owner's license is terminated, expires, or is revoked, the owner's license may be renewed annually upon:

- (1) the payment of a five thousand dollar (\$5,000) annual renewal fee; and
- (2) a determination by the commission that the licensee satisfies the conditions of this article.

(b) A licensed owner shall undergo a complete investigation every three (3) years to determine that the licensed owner remains in compliance with this article.

(c) Notwithstanding subsection (b), the commission may investigate a licensed owner at any time the commission determines it is necessary to ensure that the licensee remains in compliance with this article.

(d) The licensed owner shall bear the cost of an investigation or reinvestigation of the licensed owner and any investigation resulting from a potential transfer of ownership.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.11.

IC 4-33-6-13

Other licenses

Sec. 13. A licensed owner may apply to the commission for and may hold licenses that are necessary for the operation of a riverboat, including the following:

- (1) A license to prepare and serve food for human consumption.
- (2) Any other necessary license.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-6-14

Taxes; sales on riverboats

Sec. 14. All state excise taxes, use taxes, and gross retail taxes apply to sales on a riverboat.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-6-15

Gambling equipment, devices, and supplies

Sec. 15. A licensed owner may own gambling equipment, devices, and supplies. Each licensed owner must file an annual report listing the licensed owner's inventories of gambling equipment, devices, and supplies.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-6-16

Schools for training occupational licensees

Sec. 16. This article does not prohibit a licensed owner from operating a school for the training of occupational licensees.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-6-17

Nature of license

Sec. 17. A license to operate an excursion gaming boat:

(1) is a revocable privilege granted by the state; and

(2) is not a property right.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-6-18

Ordinances to permit docking in cities or counties

Sec. 18. (a) This subsection applies to cities described in section 1(a)(1) through 1(a)(4) of this chapter. The commission may not issue a license authorizing a riverboat to dock in a city unless the legislative body of the city has approved an ordinance permitting the docking of riverboats in the city.

(b) This subsection applies to a county described in section 1(a)(5) of this chapter if the largest city in the county is contiguous to the Ohio River. The commission may not issue a license authorizing a riverboat to dock in the county unless an ordinance permitting the docking of riverboats in the county has been approved by the legislative body of the largest city in the county. The license must specify that the home dock of the riverboat is to be located in the largest city in the county.

(c) This subsection applies to a county described in section 1(a)(5) of this chapter if the largest city in the county is not contiguous to the Ohio River. The commission may not issue a license authorizing a riverboat to dock in the county unless an

ordinance permitting the docking of riverboats in the county has been approved by the county fiscal body.

(d) This subsection applies to a county in which a historic hotel district is located. The commission may not enter into a contract under IC 4-33-6.5 for the operation of a riverboat in the county unless an ordinance permitting the docking of riverboats in the county has been approved by the county fiscal body.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.2-1995, SEC.8; P.L.92-2003, SEC.29; P.L.2-2014, SEC.6.

IC 4-33-6-19

County approval of riverboat gambling

Sec. 19. (a) This section applies to:

- (1) a county contiguous to the Ohio River;
- (2) a county containing a historic hotel district; and
- (3) a county contiguous to Lake Michigan that has a population of less than four hundred thousand (400,000).

(b) Notwithstanding any other provision of this article, the commission may not:

- (1) issue a license under this article to allow a riverboat to operate in the county; or
- (2) enter into a contract with an operating agent under IC 4-33-6.5;

unless the voters of the county have approved the conducting of gambling games on riverboats in the county.

(c) If the docking of a riverboat in the county is approved by an ordinance adopted under section 18 of this chapter, or if at least the number of the registered voters of the county required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the circuit court clerk requesting that a local public question concerning riverboat gaming be placed on the ballot, the county election board shall place the following question on the ballot in the county during the next primary or general election:

"Shall riverboat gambling be permitted in ____ County?".

(d) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9 and must be certified in accordance with IC 3-10-9-3.

(e) The clerk of the circuit court of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

(f) If a public question under this section is placed on the ballot in a county and the voters of the county do not vote in favor of permitting riverboat gambling under this article, a second public question under this section may not be held in that county for at least two (2) years. If the voters of the county vote to reject riverboat gambling a second time, a third or subsequent public question under this section may not be held in that county until the general election held during the tenth year following the year that the previous public

question was placed on the ballot.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.1-1994, SEC.14; P.L.12-1995, SEC.96; P.L.2-1995, SEC.9; P.L.24-1996, SEC.10; P.L.3-1997, SEC.414; P.L.92-2003, SEC.30.

IC 4-33-6-20

City approval of riverboat gambling

Sec. 20. (a) This section applies to a city that:

(1) has a population of less than one hundred thousand (100,000); and

(2) is located in a county contiguous to Lake Michigan that has a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) Notwithstanding any other provision of this article, the commission may not issue a license under this article to allow a riverboat to operate from a city to which this section applies unless the voters of the city have approved the conducting of gambling games on riverboats in the city.

(c) If the legislative body of the city approves the docking of a riverboat under section 19 of this chapter, or if at least the number of the registered voters of the city required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the circuit court clerk requesting that a local public question concerning riverboat gaming be placed on the ballot, the county election board shall place the following question on the ballot in the city during the next general election:

"Shall licenses be issued to permit riverboat gambling in the City of _____?"

(d) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9 and must be certified in accordance with IC 3-10-9-3.

(e) The clerk of the circuit court of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

(f) If a public question under this section is placed on the ballot in a city and the voters of the city do not vote in favor of permitting riverboat gambling under this article, another public question under this section may not be held in that city for at least two (2) years.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.12-1995, SEC.97; P.L.3-1997, SEC.415.

IC 4-33-6-21

Plan for flexible scheduling; approval by commission

Sec. 21. (a) A licensed owner may submit a plan for flexible scheduling to the commission by a date designated by the commission. Upon receipt of an appropriate plan, the commission shall authorize flexible scheduling and the licensed owner shall implement the flexible scheduling plan by the date designated by the

commission.

(b) A licensed owner that:

(1) submits a plan for flexible scheduling to the commission may include provisions; or

(2) has implemented a flexible scheduling plan may amend the plan to include provisions;

to conduct gambling operations for up to twenty-four (24) hours a day. Upon receipt of a plan or an amendment to a plan concerning operating hours, the commission shall authorize the licensed owner to implement the plan or amendment for the days and hours specified in the plan or amendment. The licensed owner shall implement the provisions related to operating days and hours by the date designated by the commission. If the licensed owner fails or ceases to operate in accordance with the authorized provisions concerning operating days and hours, the commission may rescind the authorization.

As added by P.L.192-2002(ss), SEC.15. Amended by P.L.224-2003, SEC.44.

IC 4-33-6-22

Submission of proposed power of attorney

Sec. 22. (a) This section applies to any licensed owner who was not required to submit a proposed power of attorney when applying for an owner's license.

(b) A licensed owner shall submit for the approval of the commission a written power of attorney identifying the person who, if approved by the commission, would serve as the licensed owner's trustee to operate the riverboat. The power of attorney submitted under this subsection must:

(1) be executed in the manner required by IC 30-5;

(2) describe the powers that may be delegated to the proposed trustee;

(3) conform with the requirements established by the commission under IC 4-33-4-3(a)(10); and

(4) be submitted before:

(A) November 1, 2009, in the case of a person holding an owner's license on July 1, 2009; or

(B) the deadline imposed by the commission in the case of a licensed owner who is subject to this section and not described by clause (A).

(c) The commission may not renew an owner's license unless the commission:

(1) receives a proposed power of attorney from the licensed owner;

(2) approves the trustee identified by the power of attorney; and

(3) approves the power of attorney.

(d) A licensed owner must petition the commission for its approval of any changes to a power of attorney approved by the commission.

As added by P.L.142-2009, SEC.9.

IC 4-33-6-23

Plans for permanently moored craft; equipment and personnel requirements

Sec. 23. (a) A licensed owner may submit to the commission a plan for:

- (1) constructing a permanently moored craft to replace the licensed owner's self-propelled excursion boat; or
- (2) converting the licensed owner's self-propelled excursion boat into a permanently moored craft.

(b) Upon receiving the commission's approval of a conversion plan submitted under subsection (a), a licensed owner may disable the propulsion and navigation equipment that had been required to comply with section 6(a) of this chapter.

(c) A licensed owner operating a permanently moored craft is not required to employ personnel that had been required to operate a self-propelled excursion boat.

As added by P.L.15-2011, SEC.6.

IC 4-33-6-24

Relocation from a docked riverboat to inland casino; adjacent property; number of gambling games

Sec. 24. (a) For purposes of this section, property is considered to be adjacent to a riverboat dock site even if it is separated from the dock site by public rights-of-way or railroad rights-of-way.

(b) A licensed owner may relocate the licensed owner's gaming operation from a docked riverboat to an inland casino if the following conditions are met:

- (1) Except as provided in subsection (c), the casino is located on property that the licensed owner owned or leased and used in the conduct of the licensed owner's gaming operations on February 1, 2015.
- (2) The casino is located on property adjacent to the dock site of the licensed owner's riverboat.
- (3) The casino complies with all applicable building codes and any safety requirements imposed by the commission.
- (4) The commission approves the relocation of the licensed owner's gaming operation.

(c) This subsection applies to a licensed owner that owns or leases property that is considered adjacent to a riverboat dock site under subsection (a). The licensed owner may:

- (1) acquire part of the public rights-of-way or railroad rights-of-way to form a contiguous parcel with the property owned or leased by the licensed owner on February 1, 2015; and
- (2) subject to the other requirements of this section, situate an inland casino on the contiguous parcel formed under

subdivision (1).

(d) The commission may impose any requirement upon a licensed owner relocating gaming operations under this section.

(e) The number of gambling games offered by a licensed owner in an inland facility operated under this section may not exceed the greatest number of gambling games offered by the licensed owner in the licensed owner's docked riverboat since January 1, 2007.

As added by P.L.255-2015, SEC.11.

IC 4-33-6-25

Number of gambling games

Sec. 25. (a) This section does not apply to a riverboat gaming operation relocated under section 24 of this chapter.

(b) The number of gambling games offered by a licensed owner or operating agent within the riverboat operated by the licensed owner or operating agent may not exceed the greatest number of gambling games offered by the licensed owner or operating agent since January 1, 2007.

As added by P.L.255-2015, SEC.12.

IC 4-33-6.5

Chapter 6.5. Riverboat Operating Agent Contract

IC 4-33-6.5-1

Maximum number of operating agent contracts

Sec. 1. The commission may enter into one (1) operating agent contract with a person to operate one (1) riverboat on behalf of the commission in a historic hotel district. The commission shall issue a request for proposals and award the contract under IC 5-22-9.

As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-2

Applicant requirements for an operating agent contract

Sec. 2. (a) A person, including a person who holds or has an interest in an owner's license issued under this article, may file an application with the commission to serve as an operating agent under this chapter. An applicant must pay a nonrefundable application fee to the commission in an amount to be determined by the commission.

(b) An applicant must submit the following on forms provided by the commission:

(1) If the applicant is an individual, two (2) sets of the individual's fingerprints.

(2) If the applicant is not an individual, two (2) sets of fingerprints for each officer and director of the applicant.

(c) This subsection applies to an applicant who applies after May 12, 2009, to serve as an operating agent under this chapter. An applicant shall submit for the approval of the commission a written power of attorney identifying the person who, if approved by the commission, would serve as the applicant's trustee to operate the riverboat. The power of attorney submitted under this subsection must:

(1) be executed in the manner required by IC 30-5;

(2) describe the powers that may be delegated to the proposed trustee;

(3) conform with the requirements established by the commission under IC 4-33-4-3(a)(10); and

(4) be submitted on the date that the applicant pays the application fee described in subsection (a).

(d) The commission shall review the applications filed under this chapter and shall inform each applicant of the commission's decision.

(e) The costs of investigating an applicant to serve as an operating agent under this chapter shall be paid from the application fee paid by the applicant.

(f) An applicant to serve as an operating agent under this chapter must pay all additional costs that are:

(1) associated with the investigation of the applicant; and

(2) greater than the amount of the application fee paid by the applicant.

As added by P.L.92-2003, SEC.31. Amended by P.L.142-2009, SEC.10; P.L.1-2010, SEC.9.

IC 4-33-6.5-3

Restrictions on issuance

Sec. 3. The commission may not enter into an operating agent contract with a person under this chapter if:

- (1) the person has been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States;
- (2) the person has knowingly or intentionally submitted an application under this chapter that contains false information;
- (3) the person is a member of the commission;
- (4) the person is an officer, a director, or a managerial employee of a person described in subdivision (1) or (2);
- (5) the person employs an individual who is described in subdivision (1), (2), or (3); or
- (6) a license issued to the person to own or operate gambling facilities in another jurisdiction has been revoked.

As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-4

Factors considered in granting operating agent contract; submission of proposed riverboat design

Sec. 4. In determining whether to grant an operating agent contract to an applicant, the commission shall consider the following:

- (1) The character, reputation, experience, and financial integrity of the following:
 - (A) The applicant.
 - (B) A person that:
 - (i) directly or indirectly controls the applicant; or
 - (ii) is directly or indirectly controlled by the applicant or by a person that directly or indirectly controls the applicant.
- (2) The facilities or proposed facilities for the conduct of riverboat gambling in a historic hotel district. The applicant must submit to the commission a proposed design of the riverboat.
- (3) The highest prospective total revenue to be collected by the state from the conduct of riverboat gambling.
- (4) The good faith affirmative action plan of each applicant to recruit, train, and upgrade minorities in all employment classifications.
- (5) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.
- (6) Whether the applicant has adequate capitalization to operate a riverboat for the duration of the contract.
- (7) The extent to which the applicant provides assurances that the applicant will participate in the funding of:

- (A) specific economic development programs; or
 - (B) infrastructure improvements;
- in the county where the riverboat is located.
- (8) The extent to which the applicant exceeds or meets other standards adopted by the commission.

As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-5

Requirements of operating agent

Sec. 5. After selecting the most appropriate operating agent applicant, the commission may enter into an operating agent contract with the person. The operating agent contract must comply with this article and include the following terms and conditions:

- (1) The operating agent must pay a nonrefundable initial fee of one million dollars (\$1,000,000) to the commission. The fee must be deposited by the commission into the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).
- (2) The operating agent must post a bond as required in section 6 of this chapter.
- (3) The operating agent must implement flexible scheduling.
- (4) The operating agent must locate the riverboat in a historic hotel district at a location approved by the commission.
- (5) The operating agent must comply with any requirements concerning the exterior design of the riverboat that are approved by the commission.
- (6) Notwithstanding any law limiting the maximum length of contracts:
 - (A) the initial term of the contract may not exceed twenty (20) years; and
 - (B) any renewal or extension period permitted under the contract may not exceed twenty (20) years.
- (7) The operating agent must collect and remit all taxes under IC 4-33-12 and IC 4-33-13.
- (8) The operating agent must comply with the restrictions on the transferability of the operating agent contract under section 12 of this chapter.

As added by P.L.92-2003, SEC.31. Amended by P.L.234-2007, SEC.278.

IC 4-33-6.5-6

Bond

Sec. 6. (a) An operating agent must post a bond with the commission at least sixty (60) days before the commencement of regular riverboat operations in the historic hotel district.

- (b) The bond must be furnished in:
- (1) cash or negotiable securities;
 - (2) a surety bond:

- (A) with a surety company approved by the commission; and
- (B) guaranteed by a satisfactory guarantor; or
- (3) an irrevocable letter of credit issued by a banking institution of Indiana acceptable to the commission.
- (c) If a bond is furnished in cash or negotiable securities, the principal shall be placed without restriction at the disposal of the commission, but income inures to the benefit of the operating agent.
- (d) The bond:
 - (1) is subject to the approval of the commission;
 - (2) must be in an amount that the commission determines will adequately reflect the amount that a local community will expend for infrastructure and other facilities associated with a riverboat operation; and
 - (3) must be payable to the commission as obligee for use in payment of the riverboat's financial obligations to the local community, the state, and other aggrieved parties, as determined by the rules of the commission.

Any bond proceeds remaining after the payments shall be deposited in the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11.

(e) If after a hearing (after at least five (5) days written notice) the commission determines that the amount of an operating agent's bond is insufficient, the operating agent shall, upon written demand of the commission, file a new bond.

(f) The commission may require an operating agent to file a new bond with a satisfactory surety in the same form and amount if:

- (1) liability on the old bond is discharged or reduced by judgment rendered, payment made, or otherwise; or
- (2) in the opinion of the commission any surety on the old bond becomes unsatisfactory.

(g) If a new bond obtained under subsection (e) or (f) is unsatisfactory, the commission shall cancel the operating agent's contract. If the new bond is satisfactorily furnished, the commission shall release in writing the surety on the old bond from any liability accruing after the effective date of the new bond.

(h) A bond is released on the condition that the operating agent remains at the site of the riverboat operating within the historic hotel district:

- (1) for five (5) years; or
- (2) until the date the commission enters into a contract with another operating agent to operate from the site for which the bond was posted;

whichever occurs first.

(i) An operating agent who does not meet the requirements of subsection (h) forfeits a bond filed under this section. The proceeds of a bond that is in default under this subsection are paid to the commission and used in the same manner as specified in subsection (d).

(j) The total liability of the surety on a bond is limited to the amount specified in the bond, and the continuous nature of the bond may not be construed as allowing the liability of the surety under a bond to accumulate for each successive approval period during which the bond is in force.

(k) A bond filed under this section is released sixty (60) days after:

(1) the time specified under subsection (h); and

(2) a written request is submitted by the operating agent.

As added by P.L.92-2003, SEC.31. Amended by P.L.234-2007, SEC.279.

IC 4-33-6.5-7

Reinvestigations of operating agent

Sec. 7. (a) An operating agent shall undergo a complete investigation at least once every three (3) years to ensure that the operating agent remains in compliance with this article.

(b) Notwithstanding subsection (a), the commission may investigate an operating agent at any time the commission determines it is necessary to ensure that the operating agent remains in compliance with this article.

(c) An operating agent shall bear the cost of an investigation or a reinvestigation under this section.

As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-8

Maximum number of riverboats operated by operating agent

Sec. 8. An operating agent contract under this chapter permits the operating agent to operate one (1) riverboat on behalf of the commission.

As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-9

Other licenses

Sec. 9. An operating agent may apply to the commission for and may hold licenses that are necessary for the operation of a riverboat, including the following:

(1) A license to prepare and serve food for human consumption.

(2) Any other necessary license.

As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-10

Equipment of operating agent; annual inventory report

Sec. 10. An operating agent may own gambling equipment, devices, and supplies. Each operating agent must file an annual report listing the operating agent's inventories of gambling equipment, devices, and supplies.

As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-11**Schools for training occupational licensees**

Sec. 11. This article does not prohibit an operating agent from operating a school for the training of occupational licensees.

As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-12**Operating agent contract, transfer, sale, purchase, or voting trust; rules of procedure; prohibitions**

Sec. 12. (a) An operating agent must apply for and receive the commission's approval before:

(1) an operating agent's contract is:

(A) transferred;

(B) sold; or

(C) purchased; or

(2) a voting trust agreement or other similar agreement is established with respect to the operating agent.

(b) The commission shall adopt rules governing the procedure an operating agent or other person must follow to take an action under subsection (a). The rules must specify that a person who obtains an ownership interest in an operating agent contract must meet the criteria of this article and any rules adopted by the commission. An operating agent may transfer an interest in an operating agent contract only in accordance with this article and rules adopted by the commission.

(c) An operating agent or any other person may not:

(1) lease;

(2) hypothecate; or

(3) borrow or loan money against;

an operating agent contract.

As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-13**Prohibited terms of contract**

Sec. 13. A contract entered into under this chapter may not include any terms under which the operating agent is required to pay any amount to the state or the gaming commission other than the fees and taxes specifically authorized or required under this article.

As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-14**Duties of operating agent**

Sec. 14. Except as otherwise specifically provided by this article, an operating agent is charged with all the duties imposed upon a licensed owner under this article.

As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-15

Riverboat operated by operating agent subject to property taxes

Sec. 15. A riverboat operated under an operating agent contract under this article is not exempt from property taxes imposed under IC 6-1.1.

As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-16**Submission of proposed power of attorney**

Sec. 16. (a) The person holding an operating agent contract on July 1, 2009, shall submit for the approval of the commission a written power of attorney identifying the person who, if approved by the commission, would serve as the operating agent's trustee to operate the riverboat. The power of attorney submitted under this subsection must:

- (1) be executed in the manner required by IC 30-5;
- (2) describe the powers that may be delegated to the proposed trustee;
- (3) conform with the requirements established by the commission under IC 4-33-4-3(a)(10); and
- (4) be submitted before November 1, 2009.

(b) The commission may not renew an operating agent contract unless the commission:

- (1) receives a proposed power of attorney from the operating agent;
- (2) approves the trustee identified by the power of attorney; and
- (3) approves the power of attorney.

(c) An operating agent must petition the commission for its approval of any changes to a power of attorney approved by the commission.

As added by P.L.142-2009, SEC.11.

IC 4-33-7

Chapter 7. Licensing of Suppliers

IC 4-33-7-1

Supplier's license; requirements; gambling games at racetracks

Sec. 1. (a) The commission may issue a supplier's license under this chapter to a person if:

(1) the person has:

- (A) applied for the supplier's license;
- (B) paid a nonrefundable application fee set by the commission;
- (C) paid a seven thousand five hundred dollar (\$7,500) annual license fee; and
- (D) submitted the following on forms provided by the commission:
 - (i) if the applicant is an individual, two (2) sets of the individual's fingerprints; and
 - (ii) if the applicant is not an individual, two (2) sets of fingerprints for each officer and director of the applicant; and

(2) the commission has determined that the applicant is eligible for a supplier's license.

(b) A license issued under this chapter after June 30, 2009, satisfies the requirements of IC 4-35-6-1 with respect to suppliers for gambling games conducted at racetracks (as defined in IC 4-35-2-9). *As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.12; P.L.142-2009, SEC.12.*

IC 4-33-7-2

Gambling equipment and supplies; distribution

Sec. 2. (a) A person holding a supplier's license may sell, lease, and contract to sell or lease gambling equipment and supplies to a licensee or an operating agent involved in the ownership or management of riverboat gambling operations.

(b) Gambling supplies and equipment may not be distributed unless the gambling supplies and equipment conform to standards adopted by the commission.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.32.

IC 4-33-7-3

Restrictions on issuance of license

Sec. 3. A person may not receive a supplier's license if:

- (1) the person has been convicted of a felony under Indiana law, the laws of any other state, or laws of the United States;
- (2) the person has knowingly or intentionally submitted an application for a license under this chapter that contains false information;

- (3) the person is a member of the commission;
- (4) the person is an officer, a director, or a managerial employee of a person described in subdivision (1) or (2);
- (5) the person employs an individual who:
 - (A) is described in subdivision (1), (2), or (3); and
 - (B) participates in the management or operation of gambling operations authorized under this article;
- (6) the person owns more than a ten percent (10%) ownership interest in:
 - (A) any other person holding an owner's license; or
 - (B) an operating agent contract;
 issued under this article; or
- (7) a license issued to the person:
 - (A) under this article; or
 - (B) to supply gaming supplies in another jurisdiction;
 has been revoked.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.33.

IC 4-33-7-4

Necessity of license; exception

Sec. 4. (a) Except as provided in subsection (b), a person may not furnish any equipment, devices, or supplies to a riverboat gambling operation unless the person possesses a supplier's license.

(b) A person holding a valid permit under IC 7.1 to deal in alcoholic beverages may supply alcoholic beverages to a riverboat gambling operation without possessing a supplier's license. A person authorized to supply alcoholic beverages under this subsection must comply with IC 7.1.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.28-1996, SEC.1.

IC 4-33-7-5

Sale or lease of equipment, devices, and supplies; information furnished to commission

Sec. 5. (a) A supplier shall furnish to the commission a list of all equipment, devices, and supplies offered for sale or lease in connection with gambling games authorized under this article.

(b) A supplier shall keep books and records for the furnishing of equipment, devices, and supplies to gambling operations separate from books and records of any other business operated by the supplier.

(c) A supplier shall file a quarterly return with the commission listing all sales and leases.

(d) A supplier shall permanently affix the supplier's name to all of the supplier's equipment, devices, and supplies for riverboat gambling operations.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-7-6

Forfeiture of equipment, devices, or supplies

Sec. 6. A supplier's equipment, devices, or supplies that are used by a person in an unauthorized gambling operation shall be forfeited to the state.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-7-7

Repair of equipment, devices, and supplies

Sec. 7. Gambling equipment, devices, and supplies that are provided by a supplier may be:

- (1) repaired on a riverboat; or
- (2) removed for repair from the riverboat to a facility owned by a licensed owner or an operating agent.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.34.

IC 4-33-7-8

License renewal; compliance investigations; gambling games at racetracks; deductions

Sec. 8. (a) Unless a supplier's license is suspended, expires, or is revoked, the supplier's license may be renewed annually upon:

- (1) the payment of a seven thousand five hundred dollar (\$7,500) annual renewal fee; and
- (2) a determination by the commission that the licensee is in compliance with this article.

(b) The holder of a supplier's license shall undergo a complete investigation every three (3) years to determine that the licensee is in compliance with this article.

(c) Notwithstanding subsection (b), the commission may investigate the holder of a supplier's license at any time the commission determines it is necessary to ensure that the licensee is in compliance with this article.

(d) The holder of a supplier's license shall bear the cost of an investigation or reinvestigation of the licensee and any investigation resulting from a potential transfer of ownership.

(e) A person who on June 30, 2009:

- (1) held a supplier's license under IC 4-35-6; and
- (2) did not hold a supplier's license under this chapter;

may obtain a renewal of the supplier's license under this chapter.

(f) A license renewed and held under this chapter after June 30, 2009, satisfies the requirements of IC 4-35-6-1 with respect to suppliers for gambling games conducted at racetracks (as defined in IC 4-35-2-9).

(g) This subsection applies to a supplier described in subsection (e) who applies for a renewal under this chapter. If the supplier's application is approved by the commission, the supplier is entitled to deduct the product of the following from the renewal fee due under

subsection (a):

- (1) six hundred twenty-five dollars (\$625); multiplied by
- (2) the number of months remaining on the annual license issued to the supplier under IC 4-35-6 when that license was terminated on July 1, 2009.

As added by P.L.20-1995, SEC.13. Amended by P.L.142-2009, SEC.13.

IC 4-33-8

Chapter 8. Licensing of Occupations

IC 4-33-8-1

Occupations requiring license

Sec. 1. The commission shall determine the occupations related to riverboat gambling that require a license under this chapter.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-8-2

Occupational licenses; requirements; fees; duration; renewal; compliance investigations

Sec. 2. (a) The commission may issue an occupational license to an individual if:

- (1) the individual has applied for the occupational license;
- (2) a nonrefundable application fee set by the commission has been paid on behalf of the applicant in accordance with subsection (b);
- (3) the commission has determined that the applicant is eligible for an occupational license; and
- (4) an initial license fee in an amount established by the commission has been paid on behalf of the applicant in accordance with subsection (b).

(b) A licensed owner, an applicant for a riverboat owner's license, an operating agent, an applicant for an operating agent contract, or a holder of a supplier's license shall pay the application fee of an individual applying for an occupational license to work:

- (1) at the licensed owner's or operating agent's riverboat gambling operation; or
- (2) for the holder of a supplier's license.

The licensed owner, applicant for a riverboat owner's license, operating agent, applicant for an operating agent contract, or holder of a supplier's license shall pay the initial occupational license fee or license renewal fee on behalf of an employee or potential employee. The licensed owner, applicant for a riverboat owner's license, operating agent, applicant for an operating agent contract, or holder of a supplier's license may seek reimbursement of an application fee, initial license fee, or license renewal fee from an employee who is issued an occupational license.

(c) A license issued under this chapter is valid for one (1) year, two (2) years, or (3) years after the date of issuance as determined by the commission.

(d) Unless an occupational license is suspended, expires, or is revoked, the occupational license may be renewed upon:

- (1) the payment of a license renewal fee by the licensed owner, operating agent, or holder of a supplier's license on behalf of the licensee in an amount established by the commission; and
- (2) a determination by the commission that the licensee is in

compliance with this article.

(e) The commission may investigate the holder of an occupational license at any time the commission determines it is necessary to ensure that the licensee is in compliance with this article.

(f) A licensed owner, an applicant for a riverboat owner's license, an operating agent, an applicant for an operating agent contract, or a holder of a supplier's license shall pay the cost of an investigation or reinvestigation of a holder of an occupational license who is employed by the licensed owner, operating agent, or licensed supplier. The licensed owner, applicant for a riverboat owner's license, operating agent, applicant for an operating agent contract, or holder of a supplier's license may seek reimbursement of the cost of an investigation or reinvestigation from an employee who holds an occupational license.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.14; P.L.92-2003, SEC.35; P.L.142-2009, SEC.14.

IC 4-33-8-3

Qualifications

Sec. 3. Except as provided by section 11 of this chapter, the commission may not issue an occupational license to an individual unless the individual:

- (1) is at least eighteen (18) years of age;
- (2) has not been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States;
- (3) has demonstrated a level of skill or knowledge that the commission determines is necessary to operate gambling games on a riverboat; and
- (4) has met standards adopted by the commission for the holding of an occupational license.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-8-4

Management of riverboat gambling operations

Sec. 4. The commission shall adopt rules under IC 4-22-2 providing the following:

- (1) That an individual applying for an occupational license to manage riverboat gambling operations under this article is subject to background inquiries and requirements similar to those required for an applicant for an owner's license under IC 4-33-6.
- (2) That each individual applying for an occupational license may manage gambling operations for only one (1) licensed owner or operating agent.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.36.

IC 4-33-8-5

Applications

Sec. 5. (a) An application for an occupational license must:

- (1) be made on forms prescribed by the commission; and
- (2) contain all information required by the commission.

(b) An applicant for an occupational license must provide the following information in the application:

- (1) If the applicant has held other licenses relating to gambling.
- (2) If the applicant has been licensed in any other state under any other name. The applicant must provide under this subdivision the name under which the applicant was licensed in the other state.
- (3) The applicant's age.
- (4) If a permit or license issued to the applicant in another state has been suspended, restricted, or revoked. The applicant must describe the date and length of a suspension, restriction, or revocation described in this subdivision.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-8-6

Fingerprints

Sec. 6. An applicant for an occupational license must submit with the application two (2) sets of the applicant's fingerprints. The applicant must submit the fingerprints on forms provided by the commission. The commission shall charge each applicant a fee set by the state police department to defray the costs associated with the search and classification of the applicant's fingerprints.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-8-7

Restrictions on issuance of license

Sec. 7. The commission may refuse to issue an occupational license to an individual who:

- (1) is unqualified to perform the duties required of the applicant;
- (2) does not disclose or states falsely any information required by the application;
- (3) has been found guilty of a violation of this article;
- (4) has had a gambling related license or an application for a gambling related license suspended, restricted, revoked, or denied for just cause in another state; or
- (5) for just cause is considered by the commission to be unfit to hold an occupational license.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-8-8

Suspension, revocation, or restriction of licenses

Sec. 8. The commission may suspend, revoke, or restrict an occupational licensee for the following reasons:

- (1) A violation of this article.
- (2) A cause that if known to the commission would have disqualified the applicant from receiving the occupational license.
- (3) A default in the payment of an obligation or a debt due to the state.
- (4) Any other just cause.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-8-9

Schools for training occupational licensees

Sec. 9. (a) This article does not prohibit a licensed owner or an operating agent from entering into an agreement with a school approved by the commission for the training of an occupational licensee.

(b) Training offered by a school described in subsection (a) must be:

- (1) in accordance with a written agreement between the licensed owner or operating agent and the school; and
- (2) approved by the commission.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.37.

IC 4-33-8-10

Training locations

Sec. 10. Training provided for occupational licensees may be conducted:

- (1) on a riverboat; or
- (2) at a school with which a licensed owner or an operating agent has entered into an agreement under section 9 of this chapter.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.38.

IC 4-33-8-11

Convicted felons; rehabilitation; waiver

Sec. 11. (a) An individual who is disqualified under section 3(2) of this chapter due to a conviction for a felony may apply to the commission for a waiver of the requirements of section 3(2) of this chapter.

(b) The commission may waive the requirements of section 3(2) of this chapter with respect to an individual applying for an occupational license if:

- (1) the individual qualifies for a waiver under subsection (e) or (f); and
- (2) the commission determines that the individual has demonstrated by clear and convincing evidence the individual's rehabilitation.

(c) In determining whether the individual applying for the occupational license has demonstrated rehabilitation under subsection (b), the commission shall consider the following factors:

- (1) The nature and duties of the position applied for by the individual.
- (2) The nature and seriousness of the offense or conduct.
- (3) The circumstances under which the offense or conduct occurred.
- (4) The date of the offense or conduct.
- (5) The age of the individual when the offense or conduct was committed.
- (6) Whether the offense or conduct was an isolated or a repeated incident.
- (7) A social condition that may have contributed to the offense or conduct.
- (8) Evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational education, successful participation in a correctional work release program, or the recommendation of a person who has or has had the individual under the person's supervision.
- (9) The complete criminal record of the individual.
- (10) The prospective employer's written statement that:
 - (A) the employer has been advised of all of the facts and circumstances of the individual's criminal record; and
 - (B) after having considered the facts and circumstances, the prospective employer will hire the individual if the commission grants a waiver of the requirements of section 3(2) of this chapter.

(d) The commission may not waive the requirements of section 3(2) of this chapter for an individual who has been convicted of committing any of the following:

- (1) A felony in violation of federal law (as classified in 18 U.S.C. 3559).
- (2) A felony of fraud, deceit, or misrepresentation under the laws of Indiana or any other jurisdiction.
- (3) A felony of conspiracy to commit a felony described in subdivision (1), (2) or (4) under the laws of Indiana or any other jurisdiction.
- (4) A felony of gambling under IC 35-45-5 or IC 35-45-6 or a crime in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a crime described in IC 35-45-5 or IC 35-45-6.

(e) The commission may waive the requirements of section 3(2) of this chapter for an individual if:

- (1) the individual has been convicted of committing:
 - (A) a felony described in IC 35-42 against another human

being or a felony described in IC 35-48-4;

(B) a felony under Indiana law that results in bodily injury, serious bodily injury, or death to another human being; or

(C) a crime in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a felony described in clause (A) or (B); and

(2) ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later, for the conviction described in subdivision (1).

(f) The commission may waive the requirements of section 3(2) of this chapter for an individual if:

(1) the individual has been convicted in Indiana or any other jurisdiction of committing a felony not described in subsection (d) or (e); and

(2) five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later, for the conviction described in subdivision (1).

(g) To enable a prospective employer to determine, for purposes of subsection (c)(10), whether the prospective employer has been advised of all of the facts and circumstances of the individual's criminal record, the commission shall notify the prospective employer of all information that the commission:

(1) has obtained concerning the individual; and

(2) is authorized to release under IC 5-14.

(h) The commission shall deny the individual's request to waive the requirements of section 3(2) of this chapter if the individual fails to disclose to both the commission and the prospective employer all information relevant to this section.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.29-1996, SEC.1.

IC 4-33-8.5

Chapter 8.5. Suspension, Probation, and Denial of Licenses for Failure to Pay Child Support

IC 4-33-8.5-1

Inapplicability of IC 4-33-11-1

Sec. 1. IC 4-33-11-1 does not apply to this chapter.

As added by P.L.23-1996, SEC.9.

IC 4-33-8.5-2

Duties of commission upon receipt of support order; reinstatement

Sec. 2. (a) Upon receiving an order of a court issued under IC 31-16-12-9 (or IC 31-1-11.5-13(l), IC 31-6-6.1-16(l), or IC 31-14-12-6 before their repeal) the commission shall:

(1) suspend a license issued under this article to a person who is the subject of the order; and

(2) promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(A) That the person's license is suspended beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate not earlier than ten (10) business days after the commission receives an order allowing reinstatement from the court that issued the suspension order.

(B) That the person has the right to petition for reinstatement of a license issued under this chapter to the court that issued the order for suspension.

(b) The commission shall not reinstate a license suspended under subsection (a) until the commission receives an order allowing reinstatement from the court that issued the order for suspension.

As added by P.L.23-1996, SEC.9. Amended by P.L.1-1997, SEC.27; P.L.207-2013, SEC.3.

IC 4-33-8.5-3

Notice; probationary status; appeal; reinstatement

Sec. 3. (a) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-32(h), the commission shall send to the person who is the subject of the order a notice that does the following:

(1) States that the person is delinquent and is subject to an order placing the person on probationary status.

(2) Explains that unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full;

(B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the

commission shall place the person on probationary status with respect to any license issued to the person under this chapter.

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) Explains the procedures to:

(A) pay the person's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and

(C) request a hearing under IC 31-25-4-33.

(6) Explains that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-34(c), the commission shall send to the person who is the subject of the order a notice that states the following:

(1) That a license issued to the person under this article has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the commission is advised by the bureau that the person whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the commission shall suspend the person's license.

(c) If a person whose license has been placed on probationary status fails to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;
within twenty (20) days after the notice required under subsection (b) is mailed, the commission shall suspend the person's license.

(d) The commission may not reinstate a license placed on probation or suspended under this section until the commission receives a notice from the bureau that the person has:

- (1) paid the person's child support arrearage in full; or
- (2) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

As added by P.L.23-1996, SEC.9. Amended by P.L.1-1997, SEC.28; P.L.145-2006, SEC.9; P.L.103-2007, SEC.2.

IC 4-33-8.5-4

Sanctions and penalties for failure to withhold delinquent child support; immunity from liability

Sec. 4. (a) A licensed owner, operating agent, or trustee that fails to comply with IC 4-33-4-27 is subject to penalties and sanctions established by the commission under section 5 of this chapter.

(b) A licensed owner, operating agent, or trustee that makes a payment of cash winnings to an obligor in violation of IC 4-33-4-27 is not liable to a person to whom the obligor owes child support.

(c) A licensed owner, operating agent, or trustee is immune from civil and criminal liability for acting in compliance with IC 4-33-4-27.

As added by P.L.80-2010, SEC.2.

IC 4-33-8.5-5

Sanctions and penalties for failure to withhold delinquent child support

Sec. 5. (a) A licensed owner, operating agent, or trustee that personally or through the act or omission of an employee, independent contractor, agent, or representative fails to withhold delinquent child support from the cash winnings of an obligor as required under IC 4-33-4-27 is subject to sanctions and penalties established by the commission under this section.

(b) The commission may adopt rules under IC 4-22-2 to establish penalties and sanctions for any licensed owner, operating agent, or trustee who fails to withhold delinquent child support from cash winnings as required by IC 4-33-4-27.

As added by P.L.80-2010, SEC.3.

IC 4-33-9

Chapter 9. Gambling Operations

IC 4-33-9-1

Approved gambling locations

Sec. 1. Gambling may be conducted on a riverboat or in a facility in which a card tournament approved under section 10.5 of this chapter is conducted by:

- (1) a licensed owner;
- (2) an operating agent; or
- (3) a trustee in accordance with IC 4-33-21.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.39; P.L.142-2009, SEC.15; P.L.15-2011, SEC.7.

IC 4-33-9-2

Docked riverboats; inapplicability to flexible scheduling

Sec. 2. (a) This section does not apply to a riverboat that has implemented flexible scheduling under IC 4-33-6-21.

(b) Except as provided in subsections (c) and (d), gambling may not be conducted while a riverboat is docked.

(c) If the master of the riverboat reasonably determines and certifies in writing that:

- (1) specific weather conditions, water conditions, or traffic conditions present a danger to the riverboat and the riverboat's passengers and crew;
- (2) either the vessel or the docking facility is undergoing mechanical or structural repair;
- (3) water traffic conditions present a danger to:
 - (A) the riverboat, riverboat passengers, and crew; or
 - (B) other vessels on the water; or
- (4) the master has been notified that a condition exists that would cause a violation of federal law if the riverboat were to cruise;

the riverboat may remain docked and gaming may take place until the master determines that the conditions have sufficiently diminished or been corrected for the riverboat to safely proceed or the duration of the authorized excursion has expired.

(d) The commission shall by rule permit gambling to be conducted for periods of not more than thirty (30) minutes during passenger embarkation and not more than thirty (30) minutes during passenger disembarkation.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.15; P.L.55-1995, SEC.3; P.L.192-2002(ss), SEC.16.

IC 4-33-9-3

Cruises; duration

Sec. 3. (a) Except as provided in subsection (b), a riverboat cruise may not exceed four (4) hours for a round trip.

(b) Subsection (a) does not apply to an extended cruise that is expressly approved by the commission.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.17.

IC 4-33-9-4

Minimum and maximum wagers

Sec. 4. Minimum and maximum wagers on gambling games shall be determined by the person who has been issued an owner's license or an operating agent contract.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.40.

IC 4-33-9-5

Inspection of riverboats

Sec. 5. The following may board and inspect a riverboat at any time to determine if this article is being violated:

- (1) Employees of the commission.
- (2) Officers of the state police department.
- (3) Conservation officers of the department of natural resources.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-9-6

Stopping riverboat for law enforcement officer, conservation officer, or commission agent

Sec. 6. A riverboat that is under way must stop immediately and lay to if the riverboat is hailed by a state police officer, a conservation officer of the department of natural resources, or an agent of the commission.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-9-7

Presence of commission employees and conservation officers on riverboats or facilities

Sec. 7. Employees of the commission and conservation officers of the department of natural resources have the right to be present on a riverboat or adjacent facilities under the control of a person who has been issued an owner's license or operating agent contract.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.41.

IC 4-33-9-8

Gambling equipment and supplies; purchase or lease

Sec. 8. Gambling equipment and supplies customarily used in conducting riverboat gambling may be purchased or leased only from suppliers licensed under this article.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-9-9

Permitted forms of wagering

Sec. 9. A person who has been issued an owner's license or an operating agent contract may not permit any form of wagering on gambling games except as permitted under this article.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.42.

IC 4-33-9-10

Presence required for wagering

Sec. 10. (a) Wagers may be received only from a person present on a riverboat or in a facility in which a card tournament approved under section 10.5 of this chapter is conducted.

(b) A person present on a riverboat or in a facility in which a card tournament approved under section 10.5 of this chapter is conducted may not place or attempt to place a wager on behalf of another person who is not present on the riverboat or in the facility during the approved card tournament.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.43; P.L.15-2011, SEC.8.

IC 4-33-9-10.5

Card tournaments in approved facilities

Sec. 10.5. (a) A licensed owner or an operating agent may apply to the commission for approval to conduct card tournaments at a facility other than the riverboat on which the licensed owner or operating agent is authorized to conduct gambling games under this article.

(b) The application must specify the facility in which the licensed owner or operating agent will conduct the card tournament if the application is approved. The facility must be in a hotel or other permanent structure that is:

(1) owned or leased by the licensed owner or operating agent; and

(2) located on land that is adjacent to:

(A) the dock to which the applicant's riverboat is moored; or

(B) the land on which the applicant's riverboat is situated, in the case of an application submitted by an operating agent.

(c) The application must be submitted on a form prescribed by the commission. The application must state the:

(1) date;

(2) time;

(3) place; and

(4) nature;

of the proposed card tournament. The commission may require the applicant to submit any additional information relevant to the commission's consideration of the application.

(d) As a condition of its approval, the commission may impose

upon the applicant any requirement that the commission determines is necessary to protect the credibility and integrity of gambling operations authorized by this article.

As added by P.L.15-2011, SEC.9.

IC 4-33-9-11

Negotiable currency; wagering prohibited

Sec. 11. Wagering may not be conducted with money or other negotiable currency.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-9-12

Persons under 21 years of age; presence in gambling area

Sec. 12. (a) Except as provided in subsection (b), a person who is less than twenty-one (21) years of age may not be present in the area of a riverboat where gambling is being conducted.

(b) A person who is at least eighteen (18) years of age and who is an employee of the riverboat gambling operation may be present in the area of the riverboat where gambling is conducted. However, an employee who is less than twenty-one (21) years of age may not perform any function involving gambling by the patrons.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-9-13

Persons under 21 years of age; wagering prohibited

Sec. 13. A person who is less than twenty-one (21) years of age may not make a wager under this article.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-9-14

Navigability of waterways

Sec. 14. (a) This section applies only to a riverboat that operates from a county that is contiguous to the Ohio River.

(b) A cruise is permitted only when the navigable waterway for which the riverboat is licensed is navigable, as determined by the commission in consultation with the United States Army Corps of Engineers.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.18.

IC 4-33-9-15

Acquisition of tokens, chips, or electronic cards

Sec. 15. (a) All tokens, chips, or electronic cards that are used to make wagers must be acquired from the owner or operating agent of the riverboat:

- (1) while present in the riverboat; or
- (2) at an on-shore facility that:
 - (A) has been approved by the commission; and

(B) is located where the riverboat docks.

(b) The tokens, chips, or electronic cards may be acquired by means of an agreement under which the owner or operating agent extends credit to the patron.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.44; P.L.229-2013, SEC.15.

IC 4-33-9-16

Tokens, chips, or electronic cards; use

Sec. 16. Tokens, chips, or electronic cards may be used while aboard the riverboat only for the purpose of making wagers on gambling games.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-9-17

Approval of limited mobile gaming systems

Sec. 17. (a) A licensed owner or operating agent may request approval from the commission to use a limited mobile gaming system in the gambling operations of the licensed owner or operating agent.

(b) The commission may approve the use of a limited mobile gaming system under this article to allow a patron to wager on gambling games while present in the gaming area (as defined under the rules of the commission) of a riverboat. A patron may not transmit a wager using a mobile gaming device while present in any other location.

As added by P.L.229-2013, SEC.16.

IC 4-33-10

Chapter 10. Crimes and Penalties

IC 4-33-10-1

Class A misdemeanor

Sec. 1. A person who knowingly or intentionally:

- (1) makes a false statement on an application submitted under this article;
- (2) operates a gambling operation or a cruise in which wagering is conducted or is to be conducted in a manner other than the manner required under this article;
- (3) permits a person less than twenty-one (21) years of age to make a wager;
- (4) aids, induces, or causes a person less than twenty-one (21) years of age who is not an employee of the riverboat gambling operation to enter or attempt to enter a riverboat;
- (5) wagers or accepts a wager at a location other than a riverboat; or
- (6) makes a false statement on an application submitted to the commission under this article;

commits a Class A misdemeanor.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.19; P.L.158-2013, SEC.69.

IC 4-33-10-1.5

Class C infractions

Sec. 1.5. (a) A person who:

- (1) is not an employee of the riverboat gambling operation;
- (2) is less than twenty-one (21) years of age; and
- (3) enters a riverboat;

commits a Class C infraction.

(b) A person who:

- (1) is not an employee of the riverboat gambling operation;
- (2) is less than twenty-one (21) years of age; and
- (3) attempts to enter a riverboat;

commits a Class C infraction.

As added by P.L.158-2013, SEC.70.

IC 4-33-10-2

Level 6 felonies

Sec. 2. A person who knowingly or intentionally does any of the following commits a Level 6 felony:

- (1) Offers, promises, or gives anything of value or benefit:
 - (A) to a person who is connected with the owner or operating agent of a riverboat, including an officer or an employee of a riverboat owner, an operating agent, or a holder of an occupational license; and
 - (B) under an agreement to influence or with the intent to

influence:

(i) the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game; or

(ii) an official action of a commission member.

(2) Solicits, accepts, or receives a promise of anything of value or benefit:

(A) while the person is connected with a riverboat, including an officer or employee of a licensed owner, an operating agent, or a holder of an occupational license; and

(B) under an agreement to influence or with the intent to influence:

(i) the actions of the person to affect or attempt to affect the outcome of a gambling game; or

(ii) an official action of a commission member.

(3) Uses or possesses with the intent to use a device to assist in:

(A) projecting the outcome of the game;

(B) keeping track of the cards played;

(C) analyzing the probability of the occurrence of an event relating to the gambling game; or

(D) analyzing the strategy for playing or betting to be used in the game, except as permitted by the commission.

(4) Cheats at a gambling game.

(5) Manufactures, sells, or distributes any cards, chips, dice, game, or device that is intended to be used to violate this article.

(6) Alters or misrepresents the outcome of a gambling game on which wagers have been made after the outcome is made sure but before the outcome is revealed to the players.

(7) Places a bet on the outcome of a gambling game after acquiring knowledge that:

(A) is not available to all players; and

(B) concerns the outcome of the gambling game that is the subject of the bet.

(8) Aids a person in acquiring the knowledge described in subdivision (7) for the purpose of placing a bet contingent on the outcome of a gambling game.

(9) Claims, collects, takes, or attempts to claim, collect, or take money or anything of value in or from a gambling game:

(A) with the intent to defraud; or

(B) without having made a wager contingent on winning a gambling game.

(10) Claims, collects, or takes an amount of money or thing of value of greater value than the amount won in a gambling game.

(11) Uses or possesses counterfeit chips or tokens in or for use in a gambling game.

(12) Possesses a key or device designed for:

(A) opening, entering, or affecting the operation of a gambling game, drop box, or an electronic or a mechanical

device connected with the gambling game; or
(B) removing coins, tokens, chips, or other contents of a gambling game.

This subdivision does not apply to a licensee or an operating agent or an employee of a licensee or an operating agent acting in the course of the employee's employment.

(13) Possesses materials used to manufacture a slug or device intended to be used in a manner that violates this article.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.16; P.L.2-1998, SEC.11; P.L.92-2003, SEC.45; P.L.158-2013, SEC.71.

IC 4-33-10-2.1

Licensees or persons who have an interest in a licensee; operating contract considered a license; operating agent considered a licensee

Sec. 2.1. (a) This section applies only to contributions made after June 30, 1996.

(b) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(c) As used in this section, "candidate" refers to any of the following:

- (1) A candidate for a state office.
- (2) A candidate for a legislative office.
- (3) A candidate for a local office.

(d) As used in this section, "committee" refers to any of the following:

- (1) A candidate's committee.
- (2) A regular party committee.
- (3) A committee organized by a legislative caucus of the house of the general assembly.
- (4) A committee organized by a legislative caucus of the senate of the general assembly.

(e) As used in this section, "license" means:

- (1) an owner's license issued under this article;
- (2) a supplier's license issued under this article to a supplier of gaming supplies or equipment, including electronic gaming equipment; or
- (3) an operating agent contract issued under this article.

(f) As used in this section, "licensee" means a person who holds a license. The term includes an operating agent.

(g) As used in this section, "officer" refers only to either of the following:

- (1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
- (2) An individual who is a successor to an individual described in subdivision (1).

(h) For purposes of this section, a person is considered to have an interest in a licensee if the person satisfies any of the following:

- (1) The person holds at least a one percent (1%) interest in the licensee.
 - (2) The person is an officer of the licensee.
 - (3) The person is an officer of a person that holds at least a one percent (1%) interest in the licensee.
 - (4) The person is a political action committee of the licensee.
 - (i) A licensee is considered to have made a contribution if a contribution is made by a person who has an interest in the licensee.
 - (j) A licensee or a person who has an interest in a licensee may not make a contribution to a candidate or a committee during the following periods:
 - (1) The term during which the licensee holds a license.
 - (2) The three (3) years following the final expiration or termination of the licensee's license.
 - (k) A person who knowingly or intentionally violates this section commits a Level 6 felony.
- As added by P.L.4-1996, SEC.94. Amended by P.L.92-2003, SEC.46; P.L.158-2013, SEC.72.*

IC 4-33-10-2.5

Prohibition on gifts to induce committee members on local public question

- Sec. 2.5. (a) This section applies only to property given after June 30, 1996.
- (b) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.
- (c) As used in this section, "license" means:
- (1) an owner's license issued under this article;
 - (2) a supplier's license issued under this article to a supplier of gaming supplies or equipment, including electronic gaming equipment; or
 - (3) an operating agent contract entered into under this article.
- (d) As used in this section, "licensee" means a person who holds a license. The term includes an operating agent.
- (e) As used in this section, "officer" refers only to either of the following:
- (1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
 - (2) An individual who is a successor to an individual described in subdivision (1).
- (f) For purposes of this section, a person is considered to have an interest in a licensee if the person satisfies any of the following:
- (1) The person holds at least a one percent (1%) interest in the licensee.
 - (2) The person is an officer of the licensee.
 - (3) The person is an officer of a person that holds at least a one percent (1%) interest in the licensee.
 - (4) The person is a political action committee of the licensee.

(g) A licensee or a person with an interest in a licensee may not give any property (as defined in IC 35-31.5-2-253) to a member of a precinct committee to induce the member of the precinct committee to do any act or refrain from doing any act with respect to the approval of a local public question under IC 4-33-6-19.

(h) A person who knowingly or intentionally violates this section commits a Level 6 felony.

As added by P.L.24-1996, SEC.11. Amended by P.L.2-1997, SEC.14; P.L.92-2003, SEC.47; P.L.114-2012, SEC.9; P.L.158-2013, SEC.73.

IC 4-33-10-3

Possession of cheating devices; presumption

Sec. 3. The possession of more than one (1) of the devices described in section 2(3), 2(5), 2(12), or 2(13) of this chapter creates a rebuttable presumption that the possessor intended to use the devices for cheating.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.17.

IC 4-33-10-4

Convicted felons; entering riverboats prohibited

Sec. 4. A person who is convicted of a felony described in this chapter is barred for life from entering a riverboat regulated under this article.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-10-5

Venue

Sec. 5. An action to prosecute a crime occurring on a riverboat while the riverboat is moored at a dock or during a cruise shall be tried in the county of the dock where the riverboat was moored or the cruise was initiated.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.20.

IC 4-33-10-6

Persons prohibited from wagering

Sec. 6. (a) The following individuals may not wager on gambling games at a riverboat:

- (1) A member of the commission.
- (2) An employee of the commission.
- (3) The spouse of any individual listed in subdivisions (1) and (2).

(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.

As added by P.L.221-2013, SEC.4.

IC 4-33-11

Chapter 11. Judicial Review

IC 4-33-11-1

Administrative orders and procedures law applicable to commission

Sec. 1. Except as provided in this article, IC 4-21.5 applies to actions of the commission.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-11-2

Venue

Sec. 2. An appeal of a final rule or order of the commission may be commenced under IC 4-21.5 in the circuit court or superior court of the county containing the dock or site of the riverboat.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.255-2015, SEC.13; P.L.84-2016, SEC.17.

IC 4-33-11-3

Suspension of license; required suspension of operations by operating agent; revocation of license

Sec. 3. (a) The commission may:

(1) suspend a license issued to the owner of a riverboat; or

(2) require an operating agent to suspend operations;

without notice or hearing if the commission determines that the safety or health of patrons or employees would be threatened by the continued operation of the riverboat.

(b) The suspension of an owner's license or an operating agent's operations under this section may remain in effect until the commission determines that the cause for suspension has been abated. The commission may revoke the license if the commission determines that the owner or operating agent has not made satisfactory progress toward abating the hazard.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.48.

IC 4-33-12

Chapter 12. Admission Taxes

IC 4-33-12-0.1

Application of certain amendments to chapter

Sec. 0.1. The following amendments to this chapter apply as follows:

- (1) The amendments made to section 6 of this chapter by P.L.178-2002 apply to riverboat admissions taxes collected after June 30, 2002.
- (2) The amendments made to section 1 of this chapter by P.L.192-2002(ss) apply to admissions occurring and receipts received after June 30, 2002.
- (3) The amendments made to section 6 of this chapter by P.L.234-2007 apply to riverboat admissions taxes remitted by an operating agent after June 30, 2007.

As added by P.L.220-2011, SEC.54.

IC 4-33-12-0.5

Application

Sec. 0.5. This chapter does not apply to a riverboat in a historic hotel district.

As added by P.L.255-2015, SEC.14.

IC 4-33-12-1

Admissions tax rate

Sec. 1. (a) This subsection does not apply to a riverboat that has implemented flexible scheduling under IC 4-33-6-21. A tax is imposed on admissions to gambling excursions authorized under this article at a rate of three dollars (\$3) for each person admitted to the gambling excursion. This admission tax is imposed upon the licensed owner conducting the gambling excursion.

(b) This subsection applies only to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 or IC 4-33-6.5. A tax is imposed on the admissions to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 or IC 4-33-6.5 at the rate of three dollars (\$3) for each person admitted to the riverboat. This admission tax is imposed upon the licensed owner or operating agent operating the riverboat.

(c) The commission may by rule determine the point at which a person is considered to be:

- (1) admitted to a gambling excursion, in the case of a riverboat subject to subsection (a); or
- (2) admitted to a riverboat, in the case of a riverboat subject to subsection (b);

for purposes of collecting the admissions tax under this chapter.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.21; P.L.92-2003, SEC.49; P.L.233-2007,

SEC.15; P.L.96-2010, SEC.2.

IC 4-33-12-2

Admission tickets; inapplicability to flexible scheduling

Sec. 2. (a) This section does not apply to a riverboat that has implemented flexible scheduling under IC 4-33-6-21.

(b) If tickets are issued that may be used for admission to more than one (1) gambling excursion, the admission tax must be paid for each person using the ticket on each gambling excursion for which the ticket is used.

(c) If free passes or complimentary admission tickets are issued, a person who has been issued an owner's license shall pay the same tax on the passes or complimentary tickets as if the passes or tickets were sold at the regular admission rate.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.22.

IC 4-33-12-3

Tax free passes

Sec. 3. (a) A licensed owner or an operating agent may issue tax-free passes to the following persons:

(1) Actual and necessary officials and employees of the licensee or operating agent.

(2) Other persons actually working on the riverboat.

(b) The number and issuance of tax-free passes is subject to the rules of the commission. A list of all persons to whom the tax-free passes are issued must be filed with the commission.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.50.

IC 4-33-12-4

Payment of taxes

Sec. 4. (a) A licensed owner or an operating agent must pay the admissions taxes collected to the department. The licensed owner or operating agent must make the tax payments each day for the preceding day's admissions.

(b) The payment of the tax under this section must be on a form prescribed by the department.

(c) The department may require payment under this section to be made by electronic funds transfer (as defined in IC 4-8.1-2-7(e)).

(d) If the department requires taxes to be paid under this section through electronic funds transfer, the department may allow the licensed owner or operating agent to file a monthly report to reconcile the amount of taxes paid to the department.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.51.

IC 4-33-12-5

Suspension of license or gaming operations for failure to submit payment or return

Sec. 5. The commission may suspend or revoke the license of a licensed owner or order the suspension of gaming operations of an operating agent that does not submit the payment or the tax return form within the required time.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.52.

IC 4-33-12-6 Version a

Disposition of tax revenue

Note: This version of section effective until 7-1-2016. See also following version of this section, effective 7-1-2016.

Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) Except as provided by subsection (c), the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in subsection (j), one dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 during the quarter shall be paid to:

(A) the city in which the riverboat is docked, if the city:

(i) is located in a county having a population of more than one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000); or

(ii) is contiguous to the Ohio River and is the largest city in the county; and

(B) the county in which the riverboat is docked, if the riverboat is not docked in a city described in clause (A).

(2) Except as provided in subsection (j), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county in which the riverboat is docked. In the case of a county described in subdivision (1)(B), this one dollar (\$1) is in addition to the one dollar (\$1) received under subdivision (1)(B).

(3) Except as provided in subsection (j), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in subsection (j), fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter;
or

(B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21;
shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(5) Except as provided in subsection (j), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter;
or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;
shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) Except as provided in subsection (j), sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the state general fund.

(c) This subsection applies to tax revenue collected from a riverboat that operates from Lake County. Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts:

(1) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000);
or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from East Chicago during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, East Chicago's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000);
or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter;
to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Gary's

funding obligation to the authority under IC 36-7.5-4-2.

(3) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000);
or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Hammond during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Hammond's funding obligation to the authority under IC 36-7.5-4-2.

(4) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000);
or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Lake County during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(5) Except as provided in subsection (j), the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1), (2), or (3), whichever is applicable, for the calendar quarter;

shall be paid to the city in which the riverboat is docked.

(6) Except as provided in subsection (j), the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (4) for the calendar quarter;

shall be paid to the county in which the riverboat is docked.

(7) Except as provided in subsection (j), nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person admitted to a riverboat during the preceding calendar quarter shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(8) Except as provided in subsection (j), one cent (\$0.01) of the

admissions tax collected by the licensed owner for each person admitted to a riverboat during the preceding calendar quarter shall be paid to the northwest Indiana law enforcement training center.

(9) Except as provided in subsection (j), fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person admitted to a riverboat during the preceding calendar quarter shall be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(10) Except as provided in subsection (j), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person admitted to a riverboat during the preceding calendar quarter shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(11) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person admitted to a riverboat during the preceding calendar quarter shall be paid to the state general fund.

(d) Money paid to a unit of local government under subsection (b) or (c):

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5 but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(e) Money paid by the treasurer of state under subsection (b)(3) or (c)(7) shall be:

(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

(f) Money received by the division of mental health and addiction under subsections (b)(5) and (c)(10):

(1) is annually appropriated to the division of mental health and addiction;

(2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(g) This subsection applies to the following:

(1) Each entity receiving money under subsection (b)(1) through (b)(5).

(2) Each entity receiving money under subsection (c)(5) through (c)(6).

(3) Each entity receiving money under subsection (c)(9) through (c)(10).

The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this subsection during the state fiscal year 2002. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(h) This subsection applies to an entity receiving money under subsection (c)(7) or (c)(8). The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subsection (c)(7) during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subsection (c)(7). The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in subsection (c)(8). The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(i) The total amount of money distributed to an entity under this section during a state fiscal year may not exceed the entity's base year revenue as determined under subsection (g) or (h). For purposes of this section, the treasurer of state shall treat any amounts distributed under subsection (c) to the northwest Indiana regional development authority as amounts constructively received by East Chicago, Gary, Hammond, and Lake County, as appropriate. If the treasurer of state determines that the total amount of money:

(1) distributed to an entity; and

(2) constructively received by an entity;

under this section during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make a supplemental distribution to the entity under IC 4-33-13-5.

(j) The treasurer of state shall pay that part of the riverboat admissions taxes that:

- (1) exceeds a particular entity's base year revenue; and
 - (2) would otherwise be due to the entity under this section;
- to the state general fund instead of to the entity.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.2-1995, SEC.10; P.L.54-1995, SEC.2; P.L.90-1997, SEC.2; P.L.151-2001, SEC.1; P.L.215-2001, SEC.6; P.L.178-2002, SEC.2; P.L.192-2002(ss), SEC.23; P.L.1-2003, SEC.10; P.L.92-2003, SEC.53; P.L.4-2005, SEC.23; P.L.233-2007, SEC.16; P.L.234-2007, SEC.280; P.L.3-2008, SEC.13; P.L.146-2008, SEC.17; P.L.96-2010, SEC.3; P.L.119-2012, SEC.9; P.L.205-2013, SEC.67; P.L.229-2013, SEC.17; P.L.2-2014, SEC.7; P.L.192-2015, SEC.1; P.L.255-2015, SEC.15; P.L.149-2016, SEC.12.

IC 4-33-12-6 Version b

Disposition of tax revenue in counties other than Lake County

Note: This version of section effective 7-1-2016. See also preceding version of this section, effective until 7-1-2016.

Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) Except as provided by section 8 of this chapter, the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in section 9(g) of this chapter, one dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 during the quarter shall be paid to:

(A) the city in which the riverboat is docked, if the city:

(i) is located in a county having a population of more than one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000); or

(ii) is contiguous to the Ohio River and is the largest city in the county; and

(B) the county in which the riverboat is docked, if the riverboat is not docked in a city described in clause (A).

(2) Except as provided in section 9(g) of this chapter, one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county in which the riverboat is docked. In the case of a county described in subdivision (1)(B), this one dollar (\$1) is in addition to the one dollar (\$1) received under subdivision (1)(B).

(3) Except as provided in section 9(g) of this chapter, ten cents (\$0.10) of the admissions tax collected by the licensed owner

for each person:

(A) embarking on a gambling excursion during the quarter;
or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;
shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in section 9(g) of this chapter, fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter;
or

(B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21;
shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(5) Except as provided in section 9(g) of this chapter, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter;
or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;
shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the state general fund.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.2-1995, SEC.10; P.L.54-1995, SEC.2; P.L.90-1997, SEC.2; P.L.151-2001, SEC.1; P.L.215-2001, SEC.6; P.L.178-2002, SEC.2; P.L.192-2002(ss), SEC.23; P.L.1-2003, SEC.10; P.L.92-2003, SEC.53; P.L.4-2005, SEC.23; P.L.233-2007, SEC.16; P.L.234-2007, SEC.280; P.L.3-2008, SEC.13; P.L.146-2008, SEC.17; P.L.96-2010, SEC.3; P.L.119-2012, SEC.9; P.L.205-2013, SEC.67; P.L.229-2013, SEC.17; P.L.2-2014, SEC.7; P.L.192-2015, SEC.1; P.L.255-2015, SEC.15; P.L.149-2016, SEC.12; P.L.204-2016, SEC.1.

IC 4-33-12-6.2

Repealed

(As added by P.L.176-2002, SEC.1. Repealed by P.L.192-2002(ss), SEC.190.)

IC 4-33-12-7

Repealed

(As added by P.L.233-2007, SEC.17. Repealed by P.L.229-2013, SEC.18.)

IC 4-33-12-8

Disposition of tax revenue in Lake County

Sec. 8. (a) This section applies to tax revenue collected from a riverboat operating from Lake County.

(b) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from the riverboat operating from East Chicago:

(1) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000);
or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy East Chicago's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) two hundred eighteen thousand seven hundred fifty dollars (\$218,750); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of East Chicago.

(4) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(g) of this chapter, nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the county convention and visitors bureau for Lake County.

(6) Except as provided in section 9(g) of this chapter, one cent (\$0.01) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the northwest Indiana law enforcement training center.

(7) Except as provided in section 9(g) of this chapter, fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(8) Except as provided in section 9(g) of this chapter, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state general fund.

(c) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from each riverboat operating from Gary:

(1) The lesser of:

(A) four hundred thirty-seven thousand five hundred dollars (\$437,500); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Gary's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) two hundred eighteen thousand seven hundred fifty dollars (\$218,750); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(g) of this chapter, the

remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of Gary.

(4) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(g) of this chapter, nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the county convention and visitors bureau for Lake County.

(6) Except as provided in section 9(g) of this chapter, one cent (\$0.01) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the northwest Indiana law enforcement training center.

(7) Except as provided in section 9(g) of this chapter, fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(8) Except as provided in section 9(g) of this chapter, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the state general fund.

(d) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from the riverboat operating from Hammond:

- (1) The lesser of:
 - (A) eight hundred seventy-five thousand dollars (\$875,000); or
 - (B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Hammond during the preceding calendar quarter;to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Hammond's funding obligation to the authority under IC 36-7.5-4-2.
- (2) The lesser of:
 - (A) two hundred eighteen thousand seven hundred fifty dollars (\$218,750); or
 - (B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.
- (3) Except as provided in section 9(g) of this chapter, the remainder, if any, of:
 - (A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus
 - (B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;must be paid to the city of Hammond.
- (4) Except as provided in section 9(g) of this chapter, the remainder, if any, of:
 - (A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus
 - (B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;must be paid to Lake County.
- (5) Except as provided in section 9(g) of this chapter, nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the county convention and visitors bureau for Lake County.
- (6) Except as provided in section 9(g) of this chapter, one cent (\$0.01) of the admissions tax collected by the licensed owner for each person admitted to a riverboat during the preceding calendar quarter must be paid to the northwest Indiana law enforcement training center.
- (7) Except as provided in section 9(g) of this chapter, fifteen

cents (\$0.15) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(8) Except as provided in section 9(g) of this chapter, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state general fund.

As added by P.L.204-2016, SEC.2.

IC 4-33-12-9

Payment of admissions tax to certain governmental entities; calculation of base year revenue; payments to state general fund

Sec. 9. (a) Money paid to a unit of local government under section 6 or 8 of this chapter:

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5 but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(b) Money paid by the treasurer of state to a county convention and visitors bureau or promotion fund under section 6 of this chapter must be:

(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

(c) Money received by the division of mental health and addiction under section 6 or 8 of this chapter:

(1) is annually appropriated to the division of mental health and addiction;

(2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health and addiction

for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions.

The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(d) This subsection applies to the following entities receiving money under section 6 or 8 of this chapter:

- (1) A city or county.
- (2) A county convention and visitors bureau or promotion fund for a county other than Lake County.
- (3) The state fair commission.
- (4) The division of mental health and addiction.

The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this subsection during the state fiscal year 2002. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(e) This subsection applies to the following entities receiving money under section 8 of this chapter:

- (1) A county convention and visitors bureau for Lake County.
- (2) The northwest Indiana law enforcement training center.

The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subdivision (1) during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subdivision (1). The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in subdivision (2). The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(f) The total amount of money distributed to an entity under section 6 or 8 of this chapter during a state fiscal year may not exceed the entity's base year revenue as determined under subsection (d) or (e). For purposes of this section, the treasurer of state shall treat any amounts distributed under section 8 of this chapter to the northwest Indiana regional development authority as amounts constructively received by East Chicago, Gary, Hammond, and Lake County, as appropriate. If the treasurer of state determines that the total amount of money:

- (1) distributed to an entity; and
- (2) constructively received by an entity;

under section 6 or 8 of this chapter during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make

a supplemental distribution to the entity under IC 4-33-13-5.

(g) The treasurer of state shall pay that part of the riverboat admissions taxes that:

(1) exceeds a particular entity's base year revenue; and

(2) would otherwise be due to the entity under this section; to the state general fund instead of to the entity.

As added by P.L.204-2016, SEC.3.

IC 4-33-12.5

Chapter 12.5. Distribution of Admissions Tax Revenue to Certain Municipalities

IC 4-33-12.5-1

"Construction"

Sec. 1. As used in this chapter, "construction" has the meaning set forth in IC 8-14-1-1(4).

As added by P.L.214-2005, SEC.5.

IC 4-33-12.5-2

"Eligible municipalities"

Sec. 2. As used in this chapter, "eligible municipalities" means the following cities and towns located in Lake County:

- (1) Cedar Lake.
- (2) Crown Point.
- (3) Dyer.
- (4) Griffith.
- (5) Highland.
- (6) Hobart.
- (7) Lake Station.
- (8) Lowell.
- (9) Merrillville.
- (10) Munster.
- (11) New Chicago.
- (12) St. John.
- (13) Schererville.
- (14) Schneider.
- (15) Winfield.
- (16) Whiting.

As added by P.L.214-2005, SEC.5.

IC 4-33-12.5-3

"Highways"

Sec. 3. As used in this chapter, "highways" has the meaning set forth in IC 8-14-1-1(3).

As added by P.L.214-2005, SEC.5.

IC 4-33-12.5-4

"Maintenance"

Sec. 4. As used in this chapter, "maintenance" has the meaning set forth in IC 8-14-1-1(6).

As added by P.L.214-2005, SEC.5.

IC 4-33-12.5-5

"Reconstruction"

Sec. 5. As used in this chapter, "reconstruction" has the meaning set forth in IC 8-14-1-1(5).

As added by P.L.214-2005, SEC.5.

IC 4-33-12.5-6

Revenue allocation and distribution

Sec. 6. (a) Lake County shall distribute twenty-five percent (25%) of the:

(1) admissions tax revenue received by the county under IC 4-33-12-8; and

(2) supplemental distributions received under IC 4-33-13-5; to the eligible municipalities.

(b) The amount that shall be distributed by the county to each eligible municipality under subsection (a) is based on the eligible municipality's proportionate share of the total population of all eligible municipalities. The most current certified census information available shall be used to determine an eligible municipality's proportionate share under this subsection. The determination of proportionate shares under this subsection shall be modified under the following conditions:

(1) The certification from any decennial census completed by the United States Bureau of the Census.

(2) Submission by one (1) or more eligible municipalities of a certified special census commissioned by an eligible municipality and performed by the United States Bureau of the Census.

(c) If proportionate shares are modified under subsection (b), distribution to eligible municipalities shall change with the:

(1) payments beginning April 1 of the year following the certification of a special census under subsection (b)(2); and

(2) the next quarterly payment following the certification of a decennial census under subsection (b)(1).

As added by P.L.214-2005, SEC.5. Amended by P.L.205-2013, SEC.68; P.L.192-2015, SEC.2; P.L.255-2015, SEC.16; P.L.204-2016, SEC.4.

IC 4-33-12.5-7

Revenue distribution dates

Sec. 7. The county shall make payments under this chapter directly to each eligible municipality. The county shall make payments to the eligible municipalities not more than thirty (30) days after the county receives the quarterly distribution of admission tax revenue under IC 4-33-12-8 or the supplemental distributions received under IC 4-33-13-5 from the state.

As added by P.L.214-2005, SEC.5. Amended by P.L.205-2013, SEC.69; P.L.204-2016, SEC.5.

IC 4-33-12.5-8

Distributions received; use of money

Sec. 8. An eligible municipality may use money received from the

county under this chapter only for the following infrastructure improvements:

- (1) Construction, reconstruction, repair, maintenance, oiling, and sprinkling of highways and curbs.
- (2) Separation of the grades of crossing of highways and railroads.
- (3) Engineering, land acquisition, construction, resurfacing, maintenance, restoration, and rehabilitation of both local and arterial road and street systems.
- (4) Payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects.
- (5) Local costs required to undertake a recreational or reservoir road project under IC 8-23-5.
- (6) Construction, equipment, remodeling, extension, repair, and betterment of structures, including the following:
 - (A) Sanitary sewers and sanitary sewer tap-ins.
 - (B) Sidewalks.
 - (C) Curbs.
 - (D) Streets.
 - (E) Alleys.
 - (F) Pedestrian-ways or malls set aside entirely, partly, or during restricted hours, for pedestrian traffic rather than vehicular traffic.
 - (G) Other paved public places.
 - (H) Parking facilities.
 - (I) Lighting.
 - (J) Electric signals.
 - (K) Landscaping, including trees, shrubbery, flowers, grass, fountains, benches, statues, floodlighting, gas lighting, and structures of a decorative, an educational, or a historical nature.
- (7) Sewage works, including the following:
 - (A) Sewage treatment plants.
 - (B) Intercepting sewers.
 - (C) Main sewers.
 - (D) Submain sewers.
 - (E) Local sewers.
 - (F) Lateral sewers.
 - (G) Outfall sewers.
 - (H) Storm sewers.
 - (I) Force mains.
 - (J) Pumping stations.
 - (K) Ejector stations.
 - (L) Any other structures necessary or useful for the collection, treatment, purification, and sanitary disposal of the liquid waste, solid waste, sewage, storm drainage, and other drainage of a municipality.

As added by P.L.214-2005, SEC.5.

IC 4-33-13

Chapter 13. Wagering Taxes

IC 4-33-13-0.1

Application of certain amendments to chapter

Sec. 0.1. The following amendments to this chapter apply as follows:

- (1) The amendments made to section 1 of this chapter by P.L.192-2002(ss) apply to admissions occurring and receipts received after June 30, 2002.
- (2) The addition of section 1.5 of this chapter by P.L.192-2002(ss) applies to admissions occurring and receipts received after June 30, 2002.
- (3) The amendments made to section 5 of this chapter by P.L.234-2007 apply to riverboat wagering taxes remitted by an operating agent after June 30, 2007.

As added by P.L.220-2011, SEC.55.

IC 4-33-13-0.2

Calculation and collection of wagering taxes; penalties and interest; general assembly does not acquiesce in certain interpretation of statutes

Sec. 0.2. (a) This section applies to the calculation and collection of wagering taxes on the adjusted gross receipts of a riverboat received:

- (1) on or after the date that the riverboat implemented flexible scheduling under IC 4-33-6-21; and
- (2) before July 1, 2003.

(b) The general assembly does not acquiesce in any interpretation of section 1.5 of this chapter and P.L.192-2002(ss), SECTION 205 that excludes adjusted gross receipts of a riverboat received after June 30, 2002, and before the date that the riverboat implemented flexible scheduling under IC 4-33-6-21 from the determination of which wagering tax rate to apply to adjusted gross receipts of the riverboat received on or after the riverboat implemented flexible scheduling under IC 4-33-6-21.

(c) Wagering taxes imposed under section 1.5 of this chapter on adjusted gross receipts received on or after the date that the riverboat implemented flexible scheduling under IC 4-33-6-21 must be calculated and deposited using a graduated wagering tax rate selected (as stated in section 1.5 of this chapter) through a calculation that includes "adjusted gross receipts received during the period beginning July 1 of each year and ending June 30 of the following year".

(d) All penalties and interest otherwise due from a riverboat that underpaid the amount of wagering tax due after June 30, 2002, and before May 1, 2003, as a result of a failure to include adjusted gross receipts received by the riverboat after June 30, 2002, and before the

date that the riverboat implemented flexible scheduling under IC 4-33-6-21 in the determination of which wagering tax rate to apply to adjusted gross receipts received after the riverboat implemented flexible scheduling under IC 4-33-6-21 are waived if the riverboat paid the unpaid balance due in two (2) equal installments on the following dates:

(1) July 1, 2003.

(2) July 1, 2004.

As added by P.L.220-2011, SEC.56.

IC 4-33-13-1

Adjusted gross receipts tax; rate; payment; inapplicability to flexible scheduling

Sec. 1. (a) This section does not apply to a riverboat that has implemented flexible scheduling under IC 4-33-6-21.

(b) Subject to section 1.5(j) of this chapter, a tax is imposed on the adjusted gross receipts received from gambling games authorized under this article at the rate of twenty-two and five-tenths percent (22.5%) of the amount of the adjusted gross receipts.

(c) The licensed owner shall remit the tax imposed by this chapter to the department before the close of the business day following the day the wagers are made.

(d) The department may require payment under this section to be made by electronic funds transfer (as defined in IC 4-8.1-2-7(e)).

(e) If the department requires taxes to be remitted under this chapter through electronic funds transfer, the department may allow the licensed owner to file a monthly report to reconcile the amounts remitted to the department.

(f) The department may allow taxes remitted under this section to be reported on the same form used for taxes paid under IC 4-33-12.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.24; P.L.224-2003, SEC.45; P.L.229-2013, SEC.19.

IC 4-33-13-1.5

Graduated wagering tax applied to riverboats implementing flexible scheduling

Sec. 1.5. (a) This section applies only to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 or IC 4-33-6.5.

(b) This subsection applies only to a riverboat that received at least seventy-five million dollars (\$75,000,000) of adjusted gross receipts during the preceding state fiscal year. A graduated tax is imposed on the adjusted gross receipts received from gambling games authorized under this article as follows:

(1) Fifteen percent (15%) of the first twenty-five million dollars (\$25,000,000) of adjusted gross receipts received during the period beginning July 1 of each year and ending June 30 of the following year.

(2) Twenty percent (20%) of the adjusted gross receipts in excess of twenty-five million dollars (\$25,000,000) but not exceeding fifty million dollars (\$50,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(3) Twenty-five percent (25%) of the adjusted gross receipts in excess of fifty million dollars (\$50,000,000) but not exceeding seventy-five million dollars (\$75,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(4) Thirty percent (30%) of the adjusted gross receipts in excess of seventy-five million dollars (\$75,000,000) but not exceeding one hundred fifty million dollars (\$150,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(5) Thirty-five percent (35%) of all adjusted gross receipts in excess of one hundred fifty million dollars (\$150,000,000) but not exceeding six hundred million dollars (\$600,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(6) Forty percent (40%) of all adjusted gross receipts exceeding six hundred million dollars (\$600,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(c) This subsection applies only to a riverboat that received less than seventy-five million dollars (\$75,000,000) of adjusted gross receipts during the preceding state fiscal year. A graduated tax is imposed on the adjusted gross receipts received from gambling games authorized under this article as follows:

(1) Five percent (5%) of the first twenty-five million dollars (\$25,000,000) of adjusted gross receipts received during the period beginning July 1 of each year and ending June 30 of the following year.

(2) Twenty percent (20%) of the adjusted gross receipts in excess of twenty-five million dollars (\$25,000,000) but not exceeding fifty million dollars (\$50,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(3) Twenty-five percent (25%) of the adjusted gross receipts in excess of fifty million dollars (\$50,000,000) but not exceeding seventy-five million dollars (\$75,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(4) Thirty percent (30%) of the adjusted gross receipts in excess of seventy-five million dollars (\$75,000,000) but not exceeding one hundred fifty million dollars (\$150,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(5) Thirty-five percent (35%) of all adjusted gross receipts in excess of one hundred fifty million dollars (\$150,000,000) but not exceeding six hundred million dollars (\$600,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(6) Forty percent (40%) of all adjusted gross receipts exceeding six hundred million dollars (\$600,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(d) The licensed owner or operating agent of a riverboat taxed under subsection (c) shall pay an additional tax of two million five hundred thousand dollars (\$2,500,000) in any state fiscal year in which the riverboat's adjusted gross receipts exceed seventy-five million dollars (\$75,000,000). The additional tax imposed under this subsection is due before July 1 of the following state fiscal year.

(e) The licensed owner or operating agent shall remit the tax imposed by this chapter to the department before the close of the business day following the day the wagers are made.

(f) The department may require payment under this section to be made by electronic funds transfer (as defined in IC 4-8.1-2-7(f)).

(g) If the department requires taxes to be remitted under this chapter through electronic funds transfer, the department may allow the licensed owner or operating agent to file a monthly report to reconcile the amounts remitted to the department.

(h) The department may allow taxes remitted under this section to be reported on the same form used for taxes paid under IC 4-33-12.

(i) If a riverboat implements flexible scheduling during any part of a period beginning July 1 of each year and ending June 30 of the following year, the tax rate imposed on the adjusted gross receipts received while the riverboat implements flexible scheduling shall be computed as if the riverboat had engaged in flexible scheduling during the entire period beginning July 1 of each year and ending June 30 of the following year.

(j) If a riverboat:

(1) implements flexible scheduling during any part of a period beginning July 1 of each year and ending June 30 of the following year; and

(2) before the end of that period ceases to operate the riverboat with flexible scheduling;

the riverboat shall continue to pay a wagering tax at the tax rates imposed under subsection (b) until the end of that period as if the riverboat had not ceased to conduct flexible scheduling.

As added by P.L.192-2002(ss), SEC.25. Amended by P.L.224-2003, SEC.46; P.L.92-2003, SEC.54; P.L.97-2004, SEC.16; P.L.233-2007, SEC.18; P.L.229-2013, SEC.20.

IC 4-33-13-1.7

Historic hotel district riverboat tax credit

Sec. 1.7. (a) This section applies only to a riverboat located in a historic hotel district in a state fiscal year if:

- (1) the riverboat received not more than eighty million dollars (\$80,000,000) of adjusted gross receipts during the preceding state fiscal year; and
- (2) the operating agent for the riverboat and the owner of the historic hotels resort are the entities that were the operating agent and owner of the historic hotels resort on January 1, 2015.

(b) As used in this section, "historic hotels resort" refers to the historic hotels, the riverboat operated under IC 4-33-6.5, and other properties operated in conjunction with the historic hotel enterprise located in Orange County, including golf courses.

(c) An operating agent is entitled to a French Lick historic tax credit against the tax imposed under section 1.5 of this chapter as provided in this section. The amount of the credit for a state fiscal year is equal to the following:

- (1) Fifty percent (50%) of the tax that the operating agent would otherwise be required to remit to the department, if the riverboat received not more than sixty million dollars (\$60,000,000) of adjusted gross receipts during the preceding state fiscal year.
- (2) Forty percent (40%) of the tax that the operating agent would otherwise be required to remit to the department, if the riverboat received more than sixty million dollars (\$60,000,000) but not more than sixty-five million dollars (\$65,000,000) of adjusted gross receipts during the preceding state fiscal year.
- (3) Thirty percent (30%) of the tax that the operating agent would otherwise be required to remit to the department, if the riverboat received more than sixty-five million dollars (\$65,000,000) but not more than seventy million dollars (\$70,000,000) of adjusted gross receipts during the preceding state fiscal year.
- (4) Twenty percent (20%) of the tax that the operating agent would otherwise be required to remit to the department, if the riverboat received more than seventy million dollars (\$70,000,000) but not more than seventy-five million dollars (\$75,000,000) of adjusted gross receipts during the preceding state fiscal year.
- (5) Ten percent (10%) of the tax that the operating agent would otherwise be required to remit to the department, if the riverboat received more than seventy-five million dollars (\$75,000,000) but not more than eighty million dollars (\$80,000,000) of adjusted gross receipts during the preceding state fiscal year.
- (6) A credit is not allowed under this section for a state fiscal year if the riverboat received more than eighty million dollars (\$80,000,000) of adjusted gross receipts during the preceding state fiscal year.

The operating agent may apply the credit on any remittance.

- (d) A credit under this section is not refundable.

(e) The amount of revenue retained as a credit must be used by the operating agent and the owner of the historic hotels resort for one (1) or more of the following purposes:

(1) For expenditures to maintain or operate a historic hotel, as determined by the owner of the historic hotels resort.

(2) For expenditures to maintain or operate:

(A) the grounds surrounding a historic hotel;

(B) supporting buildings and structures related to a historic hotel; and

(C) other facilities used by the guests of the historic hotel; as determined by the owner of the historic hotels resort.

Any amount retained as a credit that is not used for a purpose described in subdivision (1) or (2) not more than twelve (12) months after the end of the state fiscal year in which the amount is retained must be remitted to the department for deposit in the state general fund.

(f) The owner of the historic hotels resort must maintain the records required by the department for the period specified by the department to substantiate that the money retained as a credit under this section was used for the purposes described in subsection (e).

As added by P.L.255-2015, SEC.17.

IC 4-33-13-2

State gaming fund; establishment

Sec. 2. The state gaming fund is established. Money in the fund does not revert to the state general fund at the end of the state fiscal year.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.273-1999, SEC.41.

IC 4-33-13-3

Deposits into state gaming fund

Sec. 3. The department shall deposit tax revenue collected under this chapter in the state gaming fund.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.273-1999, SEC.42.

IC 4-33-13-4

Appropriations

Sec. 4. Sufficient funds are annually appropriated to the commission from the state gaming fund to administer this article.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.18; P.L.273-1999, SEC.43.

IC 4-33-13-5

Disposition of tax revenue

Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district.

After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) The first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).

(2) Subject to subsection (c), twenty-five percent (25%) of the remaining tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:

(i) a city described in IC 4-33-12-6(b)(1)(A); or

(ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A).

(3) Subject to subsection (d), the remainder of the tax revenue remitted by each licensed owner shall be paid to the state general fund. In each state fiscal year, the treasurer of state shall make the transfer required by this subdivision not later than the last business day of the month in which the tax revenue is remitted to the state for deposit in the state gaming fund. However, if tax revenue is received by the state on the last business day in a month, the treasurer of state may transfer the tax revenue to the state general fund in the immediately following month.

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district after June 30, 2015. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue remitted by the operating agent under this chapter as follows:

(1) Fifty-six and five-tenths percent (56.5%) shall be paid to the state general fund.

(2) Forty-three and five-tenths percent (43.5%) shall be paid as follows:

(A) Twenty-two and four-tenths percent (22.4%) shall be paid as follows:

(i) Fifty percent (50%) to the fiscal officer of the town of French Lick.

(ii) Fifty percent (50%) to the fiscal officer of the town of West Baden Springs.

(B) Fourteen and eight-tenths percent (14.8%) shall be paid to the county treasurer of Orange County for distribution

among the school corporations in the county. The governing bodies for the school corporations in the county shall provide a formula for the distribution of the money received under this clause among the school corporations by joint resolution adopted by the governing body of each of the school corporations in the county. Money received by a school corporation under this clause must be used to improve the educational attainment of students enrolled in the school corporation receiving the money. Not later than the first regular meeting in the school year of a governing body of a school corporation receiving a distribution under this clause, the superintendent of the school corporation shall submit to the governing body a report describing the purposes for which the receipts under this clause were used and the improvements in educational attainment realized through the use of the money. The report is a public record.

(C) Thirteen and one-tenth percent (13.1%) shall be paid to the county treasurer of Orange County.

(D) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Dubois County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(E) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Crawford County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(F) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Paoli.

(G) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Orleans.

(H) Twenty-six and four-tenths percent (26.4%) shall be paid to the Indiana economic development corporation established by IC 5-28-3-1 for transfer to Radius Indiana or a successor regional entity or partnership for the development and implementation of a regional economic development strategy to assist the residents of Orange County and the counties contiguous to Orange County in improving their quality of life and to help promote

successful and sustainable communities. However, an amount sufficient to meet current obligations to retire or refinance indebtedness or leases for which tax revenues under this section were pledged before January 1, 2015, by the Orange County development commission shall be paid to the Orange County development commission before making a distribution to Radius Indiana or a successor regional entity or partnership. The amount paid to the Orange County development commission reduces the amount payable to Radius Indiana or its successor entity or partnership.

(c) For each city and county receiving money under subsection (a)(2), the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The treasurer of state shall certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year, the treasurer of state shall pay that part of the riverboat wagering taxes that:

- (1) exceeds a particular city's or county's base year revenue; and
- (2) would otherwise be due to the city or county under this section;

to the state general fund instead of to the city or county.

(d) Each state fiscal year the treasurer of state shall transfer from the tax revenue remitted to the state general fund under subsection (a)(3) to the build Indiana fund an amount that when added to the following may not exceed two hundred fifty million dollars (\$250,000,000):

- (1) Surplus lottery revenues under IC 4-30-17-3.
- (2) Surplus revenue from the charity gaming enforcement fund under IC 4-32.2-7-7.
- (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

The treasurer of state shall make transfers on a monthly basis as needed to meet the obligations of the build Indiana fund. If in any state fiscal year insufficient money is transferred to the state general fund under subsection (a)(3) to comply with this subsection, the treasurer of state shall reduce the amount transferred to the build Indiana fund to the amount available in the state general fund from the transfers under subsection (a)(3) for the state fiscal year.

(e) Before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this

subsection as follows:

- (1) To each city located in the county according to the ratio the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.
- (f) Money received by a city, town, or county under subsection (e) or (h) may be used for any of the following purposes:
 - (1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).
 - (2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for debt repayment.
 - (3) To fund sewer and water projects, including storm water management projects.
 - (4) For police and fire pensions.
 - (5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.
- (g) Before July 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-9), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the state general fund. Except as provided in subsection (i), the amount of an entity's supplemental distribution is equal to:
 - (1) the entity's base year revenue (as determined under IC 4-33-12-9); minus
 - (2) the sum of:
 - (A) the total amount of money distributed to the entity and constructively received by the entity during the preceding state fiscal year under IC 4-33-12-6 or IC 4-33-12-8; plus
 - (B) the amount of any admissions taxes deducted under IC 6-3.1-20-7.
- (h) This subsection applies only to a county containing a consolidated city. The county auditor shall distribute the money received by the county under subsection (e) as follows:
 - (1) To each city, other than a consolidated city, located in the

county according to the ratio that the city's population bears to the total population of the county.

(2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.

(3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county.

(i) This subsection applies to a supplemental distribution made after June 30, 2013. The maximum amount of money that may be distributed under subsection (g) in a state fiscal year is forty-eight million dollars (\$48,000,000). If the total amount determined under subsection (g) exceeds forty-eight million dollars (\$48,000,000), the amount distributed to an entity under subsection (g) must be reduced according to the ratio that the amount distributed to the entity under IC 4-33-12-6 or IC 4-33-12-8 bears to the total amount distributed under IC 4-33-12-6 and IC 4-33-12-8 to all entities receiving a supplemental distribution.

(j) This subsection applies to a supplemental distribution, if any, payable to Lake County, Hammond, Gary, or East Chicago under subsections (g) and (i). Beginning in July 2016, the treasurer of state shall, after making any deductions from the supplemental distribution required by IC 6-3.1-20-7, deduct from the remainder of the supplemental distribution otherwise payable to the unit under this section the lesser of:

- (1) the remaining amount of the supplemental distribution; or
- (2) the difference, if any, between:
 - (A) three million five hundred thousand dollars (\$3,500,000); minus
 - (B) the amount of admissions taxes constructively received by the unit in the previous state fiscal year.

The treasurer of state shall distribute the amounts deducted under this subsection to the northwest Indiana redevelopment authority established under IC 36-7.5-2-1 for deposit in the development authority fund established under IC 36-7.5-4-1.

(k) Money distributed to a political subdivision under subsection (b):

- (1) must be paid to the fiscal officer of the political subdivision and may be deposited in the political subdivision's general fund or riverboat fund established under IC 36-1-8-9, or both;
- (2) may not be used to reduce the maximum levy under IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate of a school corporation, but, except as provided in subsection (b)(2)(B), may be used at the discretion of the political subdivision to reduce the property tax levy of the county, city, or town for a particular year;
- (3) except as provided in subsection (b)(2)(B), may be used for any legal or corporate purpose of the political subdivision,

including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

Money distributed under subsection (b)(2)(B) must be used for the purposes specified in subsection (b)(2)(B).

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.2-1995, SEC.11; P.L.25-1995, SEC.7; P.L.273-1999, SEC.44; P.L.186-2002, SEC.11; P.L.178-2002, SEC.3; P.L.192-2002(ss), SEC.26; P.L.185-2003, SEC.1; P.L.92-2003, SEC.55; P.L.224-2003, SEC.47; P.L.97-2004, SEC.17; P.L.2-2005, SEC.10; P.L.246-2005, SEC.46; P.L.91-2006, SEC.4; P.L.233-2007, SEC.19; P.L.234-2007, SEC.281; P.L.3-2008, SEC.14; P.L.146-2008, SEC.18; P.L.96-2010, SEC.4; P.L.119-2012, SEC.10; P.L.205-2013, SEC.70; P.L.229-2013, SEC.21; P.L.2-2014, SEC.8; P.L.192-2015, SEC.3; P.L.255-2015, SEC.18; P.L.204-2016, SEC.6.

IC 4-33-13-5.1

Use of certain funds received under section 5 of chapter; requirements

Sec. 5.1. Subject to:

(1) the appropriation requirements in IC 6-1.1; and

(2) any agreement entered into by a city, town, or county that commits the money for a particular purpose;

money received at any time under section 5(d) (currently, section 5(e) or 5(h)) of this chapter may be used after May 7, 2003, for any purpose authorized by section 5 of this chapter.

As added by P.L.220-2011, SEC.57.

IC 4-33-13-6

Tax revenue paid to local governments

Sec. 6. (a) Money paid to a unit of local government under this chapter:

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum or actual levy under IC 6-1.1-18.5; and

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4.

(b) This chapter does not prohibit the city or county designated as the home dock of the riverboat from entering into agreements with other units of local government in Indiana or in other states to share the city's or county's part of the tax revenue received under this chapter.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.90-1997, SEC.3.

IC 4-33-13-7**Deductions for qualified wagering; assignment of deduction**

Sec. 7. (a) This section applies to adjusted gross receipts from wagering on gambling games that occurs after the effective date of this section, as added by SEA 528-2013.

(b) As used in this section, "qualified wagering" refers to wagers made by patrons using noncashable vouchers, coupons, electronic credits, or electronic promotions provided by the licensed owner or operating agent.

(c) Subject to subsection (d), a licensed owner or operating agent may at any time during a state fiscal year deduct from the adjusted gross receipts reported by the licensed owner or operating agent adjusted gross receipts attributable to qualified wagering. A licensed owner or operating agent must take a deduction under this section on a form and in the manner prescribed by the department.

(d) A licensed owner or operating agent may not deduct more than the following amounts in a particular state fiscal year:

- (1) Two million five hundred thousand dollars (\$2,500,000) in a state fiscal year ending before July 1, 2013.
- (2) Five million dollars (\$5,000,000) in a state fiscal year beginning after June 30, 2013, and ending before July 1, 2015.
- (3) Seven million dollars (\$7,000,000) in a state fiscal year beginning after June 30, 2015.

(e) A licensed owner or operating agent may for a state fiscal year assign all or part of the amount of the deduction under this section that is not claimed by the licensed owner or operating agent for the state fiscal year to another licensed owner, operating agent, or licensee as defined by IC 4-35-2-7. An assignment under this subsection must be in writing and both the licensed owner or operating agent assigning the deduction and the licensed owner, operating agent, or licensee as defined by IC 4-35-2-7 to which the deduction is assigned shall report the assignment to the commission and to the department. The maximum amount that may be assigned under this subsection by a licensed owner or operating agent for a state fiscal year is equal to the result of:

- (1) seven million dollars (\$7,000,000); minus
- (2) the amount deducted under this subsection by the licensed owner or operating agent for the state fiscal year.

As added by P.L.229-2013, SEC.22. Amended by P.L.255-2015, SEC.19.

IC 4-33-14

Chapter 14. Minority and Women's Business Participation

IC 4-33-14-1

Legislative declaration

Sec. 1. The general assembly declares that the opportunity for full minority and women's business enterprise participation in the riverboat industry is essential if social and economic parity is to be obtained by minority and women business persons and if the economies of the riverboat cities are to be stimulated as contemplated by this article.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-14-2

"Minority" defined

Sec. 2. As used in this chapter, "minority" means a member of a minority group as defined in IC 4-13-16.5-1.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.195-2001, SEC.9.

IC 4-33-14-3

"Minority business enterprise" defined

Sec. 3. As used in this chapter, "minority business enterprise" has the meaning set forth in IC 4-13-16.5-1.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.195-2001, SEC.10.

IC 4-33-14-4

"Women's business enterprise" defined

Sec. 4. As used in this chapter, "women's business enterprise" has the meaning set forth in IC 4-13-16.5-1.3.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.195-2001, SEC.11.

IC 4-33-14-5

Goods and services; contracts awarded to minority and women's business enterprises

Sec. 5. (a) As used in this section, "goods and services" does not include the following:

- (1) Utilities and taxes.
- (2) Financing costs, mortgages, loans, or other debt.
- (3) Medical insurance.
- (4) Fees and payments to a parent or an affiliated company of an operating agent or the person holding an owner's license, other than fees and payments for goods and services supplied by nonaffiliated persons through an affiliated company for the use or benefit of the operating agent or the person holding the owner's license.

(5) Rents paid for real property or payments constituting the price of an interest in real property as a result of a real estate transaction.

(b) Notwithstanding any law or rule to the contrary, the commission shall establish annual goals for an operating agent or a person issued an owner's license:

(1) for the use of minority and women's business enterprises; and

(2) derived from a statistical analysis of utilization study of licensee and operating agent contracts for goods and services that are required to be updated every five (5) years.

(c) An operating agent or a person holding an owner's license shall submit annually to the commission a report that includes the following information:

(1) The total dollar value of contracts awarded for goods or services and the percentage awarded to minority and women's business enterprises.

(2) The following information relating to each minority business enterprise or women's business enterprise awarded a contract for goods or services:

(A) The name.

(B) The address.

(C) The total dollar amount of the contract.

A record containing information described in this subsection is not exempt from the disclosure requirements of IC 5-14-3-3 under IC 5-14-3-4.

(d) An operating agent or a person holding an owner's license shall make a good faith effort to meet the requirements of this section and shall annually demonstrate to the commission that an effort was made to meet the requirements.

(e) An operating agent or a person holding an owner's license may fulfill not more than seventy percent (70%) of an obligation under this chapter by requiring a vendor to set aside a part of a contract for minority or women's business enterprises. Upon request, the licensee or operating agent shall provide the commission with proof of the amount of the set aside.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.195-2001, SEC.12; P.L.92-2003, SEC.56; P.L.84-2004, SEC.6.

IC 4-33-14-6

Enforcement

Sec. 6. If the commission determines that the provisions of this chapter relating to expenditures and assignments to minority and women's business enterprises have not been met, the commission may suspend, limit, or revoke the owner's license or operating agent's gaming operations, or may fine or impose appropriate conditions on the licensee or operating agent to ensure that the goals for expenditures and assignments to minority and women's business

enterprises are met. However, if a determination is made that a person holding an owner's license or an operating agent has failed to demonstrate compliance with this chapter, the person has ninety (90) days from the date of the determination of noncompliance to comply. *As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.57.*

IC 4-33-14-7

Certification standards

Sec. 7. The commission shall use the certifications made under IC 4-13-16.5 for minority and women's business enterprises that do business with riverboat operations on contracts for goods and services or contracts for business.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.84-2004, SEC.7.

IC 4-33-14-8

List of certified enterprises

Sec. 8. The commission shall supply persons holding owner's licenses and the operating agent with a list of the certified minority and women's business enterprises.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.58; P.L.84-2004, SEC.8.

IC 4-33-14-9

City residents; preferential hiring

Sec. 9. (a) This section applies to a person holding an owner's licenses for riverboats operated from a city described under IC 4-33-6-1(a)(1) through IC 4-33-6-1(a)(3).

(b) The commission shall require persons holding owner's licenses to adopt policies concerning the preferential hiring of residents of the city in which the riverboat is located for riverboat jobs.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.255-2015, SEC.20.

IC 4-33-14-10

Rules

Sec. 10. The commission shall adopt other rules necessary to interpret and implement this chapter.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-15

Repealed

(Repealed by P.L.92-2003, SEC.63.)

IC 4-33-18

Chapter 18. Indiana Department of Gaming Research

IC 4-33-18-1

"Department" defined

Sec. 1. As used in this chapter, "department" means the Indiana department of gaming research.

As added by P.L.192-2002(ss), SEC.27.

IC 4-33-18-2

Department established

Sec. 2. The Indiana department of gaming research is established as an agency of the state of Indiana for the purpose of enhancing the gaming industry in Indiana through research and analysis.

As added by P.L.192-2002(ss), SEC.27.

IC 4-33-18-3

Appointment of executive director

Sec. 3. The department is under the control of the governor, who shall appoint or employ the executive director and other persons that the governor considers necessary.

As added by P.L.192-2002(ss), SEC.27.

IC 4-33-18-4

Employment of staff

Sec. 4. (a) The executive director, with the governor's approval, may employ individuals as are necessary to perform the various functions of the department.

(b) The executive director and the budget agency shall set the compensation for the department's employees.

As added by P.L.192-2002(ss), SEC.27.

IC 4-33-18-5

Duties; data analysis and research

Sec. 5. The department shall research and analyze data and public policy issues relating to all aspects of gaming in Indiana for the enhancement of:

- (1) the Indiana lottery under IC 4-30;
- (2) pari-mutuel horse racing under IC 4-31;
- (3) charity gaming under IC 4-32.2; and
- (4) riverboat casino gambling under IC 4-33.

As added by P.L.192-2002(ss), SEC.27. Amended by P.L.91-2006, SEC.5.

IC 4-33-18-6

Duties; studies and findings

Sec. 6. The department shall study and make findings and recommendations on the following:

- (1) Alternative methods of taxing gaming entities, including taxes based upon the size of a riverboat or the number of gaming positions on board a riverboat.
- (2) The impact of flexible boarding on the gaming industry.
- (3) The impact of breed development programs and sire stakes racing in Indiana.
- (4) Any other issue considered appropriate by the department or suggested by:
 - (A) the Indiana lottery commission;
 - (B) the Indiana horse racing commission;
 - (C) the department of state revenue; or
 - (D) the Indiana gaming commission.

As added by P.L.192-2002(ss), SEC.27.

IC 4-33-18-7

Distribution of findings

Sec. 7. The executive director shall submit the department's findings and recommendations to the governor and the legislative council.

As added by P.L.192-2002(ss), SEC.27.

IC 4-33-18-8

Annual fees

Sec. 8. The department shall impose an annual fee of twenty-five thousand dollars (\$25,000) upon the following:

- (1) Each licensed owner or operating agent operating a riverboat in Indiana.
- (2) Each permit holder (as defined in IC 4-31-2-14) operating a live pari-mutuel horse racing facility in Indiana.

As added by P.L.192-2002(ss), SEC.27. Amended by P.L.92-2003, SEC.59.

IC 4-33-18-9

Limitation of powers

Sec. 9. (a) Nothing in this chapter may be construed to limit the powers or responsibilities of:

- (1) the state lottery commission under IC 4-30;
- (2) the Indiana horse racing commission under IC 4-31; or
- (3) the Indiana gaming commission under IC 4-32.2, IC 4-33, or IC 4-35.

(b) The department may not exercise any administrative or regulatory powers with respect to:

- (1) the Indiana lottery under IC 4-30;
- (2) pari-mutuel horse racing under IC 4-31;
- (3) charity gaming under IC 4-32.2;
- (4) riverboat casino gambling under IC 4-33; or
- (5) gambling games conducted at a racetrack (as defined in IC 4-35-2-9) under IC 4-35.

As added by P.L.192-2002(ss), SEC.27. As amended by P.L.91-2006, SEC.6; P.L.233-2007, SEC.20.

IC 4-33-19

Chapter 19. License Control Division

IC 4-33-19-1

"Division"

Sec. 1. As used in this chapter, "division" means the license control division established by section 3 of this chapter.

As added by P.L.227-2007, SEC.47.

IC 4-33-19-2

"Licensed entity"

Sec. 2. As used in this chapter, "licensed entity" means a person holding:

- (1) a charity gaming license issued under IC 4-32.2;
- (2) a retail merchant's certificate issued under IC 6-2.5-8;
- (3) a tobacco sales certificate issued under IC 7.1-3-18.5; or
- (4) an alcoholic beverage permit issued under IC 7.1-3.

As added by P.L.227-2007, SEC.47.

IC 4-33-19-3

License control division established

Sec. 3. The license control division is established to conduct administrative enforcement actions against licensed entities engaged in unlawful gambling.

As added by P.L.227-2007, SEC.47.

IC 4-33-19-4

Authorized personnel

Sec. 4. The commission shall hire an administrative law judge, attorneys, and other personnel necessary to carry out the division's duties under this chapter.

As added by P.L.227-2007, SEC.47.

IC 4-33-19-5

Division duties under charity gaming laws

Sec. 5. The division shall carry out the commission's duties under IC 4-32.2-8 and IC 4-32.2-9 with respect to any person that is:

- (1) licensed under IC 4-32.2; and
- (2) suspected of violating IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4.

As added by P.L.227-2007, SEC.47.

IC 4-33-19-6

Duty to conduct license revocation proceedings

Sec. 6. The division shall, on behalf of the department of state revenue or the alcohol and tobacco commission, conduct a license revocation action against a licensed entity for any revocation action authorized by any of the following statutes:

- (1) IC 6-2.5-8-7(g).
- (2) IC 7.1-3-18.5.
- (3) IC 7.1-3-23-2(b).
- (4) IC 7.1-3-23-5 with respect to a violation of IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4.

As added by P.L.227-2007, SEC.47. Amended by P.L.94-2008, SEC.1.

IC 4-33-19-7

Memorandum of understanding required

Sec. 7. (a) A memorandum of understanding between the commission and:

- (1) the department of state revenue in the case of an action involving a person holding a retail merchant's certificate; or
- (2) the alcohol and tobacco commission in the case of an action involving a person holding a tobacco sales certificate or an alcoholic beverage permit;

is required to authorize the division's actions under section 6 of this chapter.

(b) The agencies described in subsection (a) shall enter into the memorandum of understanding required by this section before January 1, 2008.

As added by P.L.227-2007, SEC.47.

IC 4-33-19-8

Memorandum of understanding terms

Sec. 8. (a) A memorandum of understanding required by section 7 of this chapter must describe the responsibilities of each participating agency in coordinating the agencies' administrative enforcement actions with respect to suspected violations of IC 35-45-5-3, IC 35-45-5-3.5, and IC 35-45-5-4.

(b) Each party to the memorandum of understanding required by section 7 of this chapter must agree to permit the license revocation actions subject to this chapter to be heard by an administrative law judge employed by the division.

(c) A memorandum of understanding required by section 7 of this chapter must set forth the administrative procedures applicable to each revocation action conducted under this chapter.

As added by P.L.227-2007, SEC.47.

IC 4-33-19-9

Information concerning suspected criminal activity

Sec. 9. The division may refer any information concerning suspected criminal activity discovered in carrying out the division's duties under this chapter to the prosecuting attorney of the county in which the suspected criminal activity occurred.

As added by P.L.227-2007, SEC.47.

IC 4-33-19-10**Gaming control officers assigned to assist the division**

Sec. 10. The commission shall assign gaming control officers employed under IC 4-33-20 to assist the division in carrying out the duties of this chapter.

As added by P.L.227-2007, SEC.47.

IC 4-33-20

Chapter 20. Gaming Control Division

IC 4-33-20-1

"Gaming control officer"

Sec. 1. As used in this chapter, "gaming control officer" refers to an officer employee of the division.

As added by P.L.227-2007, SEC.48.

IC 4-33-20-2

"Division"

Sec. 2. As used in this chapter, "division" refers to the gaming control division established under section 3 of this chapter.

As added by P.L.227-2007, SEC.48.

IC 4-33-20-3

Duty to establish gaming control division

Sec. 3. The commission shall establish a law enforcement division known as the gaming control division.

As added by P.L.227-2007, SEC.48.

IC 4-33-20-4

Organization of gaming control division

Sec. 4. The gaming control division shall be organized in conformity with rules adopted by the commission.

As added by P.L.227-2007, SEC.48.

IC 4-33-20-5

Funding for gaming control division

Sec. 5. The commission shall:

- (1) pay all personnel costs incurred by the division; and
- (2) purchase all property, supplies, and equipment for the division;

from money deposited in the charity gaming enforcement fund established by IC 4-32.2-7-3.

As added by P.L.227-2007, SEC.48.

IC 4-33-20-6

Staffing level

Sec. 6. The commission shall initially staff the division with sixteen (16) gaming control officers. Subject to the availability of funds in the charity gaming enforcement fund, the commission may increase the number of gaming control officers employed by the division at its discretion.

As added by P.L.227-2007, SEC.48.

IC 4-33-20-7

Uniforms and equipment

Sec. 7. (a) The commission shall provide each gaming control officer the uniforms and equipment necessary to the performance of the gaming control officer's duties. All uniforms and equipment remain the property of the state.

(b) The executive director shall charge against a gaming control officer the value of property lost or destroyed through carelessness or neglect of the employee. The value of the equipment shall be deducted from the pay of the gaming control officer.

As added by P.L.227-2007, SEC.48.

IC 4-33-20-8

Salary matrix required

Sec. 8. The commission shall create a matrix for salary ranges for gaming control officers, which must be reviewed and approved by the budget agency before implementation.

As added by P.L.227-2007, SEC.48.

IC 4-33-20-9

Police powers of gaming control officers

Sec. 9. A gaming control officer:

- (1) is a law enforcement officer under IC 9-13-2-92 and IC 35-31.5-2-185 and has the power to enforce Indiana laws and without warrant to arrest for the violation of any of those laws when committed in the officer's presence;
- (2) is a police officer under IC 9-13-2-127;
- (3) has the power of law enforcement officers to arrest under IC 35-33-1-1; and
- (4) has the power to enforce Indiana laws and may exercise all powers granted by law to state police officers, sheriffs, and members of police departments.

As added by P.L.227-2007, SEC.48. Amended by P.L.114-2012, SEC.10.

IC 4-33-20-10

Duties of gaming control officers

Sec. 10. A gaming control officer shall investigate a suspected violation of IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4 by a person holding any of the following:

- (1) A retail merchant's certificate issued under IC 6-2.5-8.
- (2) A tobacco sales certificate issued under IC 7.1-3-18.5.
- (3) An alcoholic beverage permit issued under IC 7.1-3.

As added by P.L.227-2007, SEC.48.

IC 4-33-20-11

Duty of uniformed gaming control officers to carry arms

Sec. 11. (a) A uniformed gaming control officer shall carry arms in the performance of the officer's duty.

(b) A nonuniformed gaming control officer may carry arms in the

performance of the officer's duty.
As added by P.L.227-2007, SEC.48.

IC 4-33-20-12

Bond

Sec. 12. Each gaming control officer shall execute a surety bond in the amount of one thousand dollars (\$1,000), with surety approved by the commission, and an oath of office, both of which must be filed with the executive director.

As added by P.L.227-2007, SEC.48.

IC 4-33-20-13

Compensation for injuries sustained in the performance of gaming control officer's duties

Sec. 13. (a) The injury to, injury to the health of, or death of a gaming control officer is compensable under the appropriate provisions of IC 22-3-2 through IC 22-3-7 if the injury, injury to the health of, or death arises out of and in the course of the performance of the officer's duties as a gaming control officer.

(b) For purposes of subsection (a) and IC 22-3-2 through IC 22-3-7, a gaming control officer is conclusively presumed to have accepted the compensation provisions included in the parts of the Indiana Code referred to in this subsection.

As added by P.L.227-2007, SEC.48.

IC 4-33-20-14

Right to retain service weapon upon retirement with at least 20 years of service

Sec. 14. An eligible gaming control officer who retires with at least twenty (20) years of service as a gaming control officer:

- (1) may retain the officer's service weapon;
- (2) may receive, in recognition of the officer's service to the commission and to the public, a badge that indicates that the officer is retired; and
- (3) shall be issued by the commission an identification card stating the officer's name and rank, signifying that the officer is retired, and noting the officer's authority to retain the service weapon.

As added by P.L.227-2007, SEC.48.

IC 4-33-21

Chapter 21. Riverboat Operations Temporarily Conducted by a Trustee

IC 4-33-21-1

Application of chapter

Sec. 1. This chapter applies only to a trustee acting under the authority of:

- (1) a resolution adopted by the commission authorizing the trustee to conduct gambling operations under this chapter; and
- (2) either of the following:
 - (A) A written power of attorney approved by the commission under IC 4-33-6-2(c), IC 4-33-6-22, IC 4-33-6.5-2(c), or IC 4-33-6.5-16.
 - (B) An appointment by the commission under IC 4-33-4-25.

As added by P.L.142-2009, SEC.16.

IC 4-33-21-2

Exercise of powers delegated by a power of attorney prohibited unless authorized by the commission

Sec. 2. A person may not exercise any powers delegated by a power of attorney described by section 1(2) of this chapter unless the commission adopts a resolution under section 3 of this chapter.

As added by P.L.142-2009, SEC.16.

IC 4-33-21-3

Resolution authorizing a trustee to conduct gambling operations

Sec. 3. The commission may adopt a resolution authorizing a trustee to temporarily conduct gambling operations on a riverboat if any of the following occurs with respect to that particular riverboat:

- (1) The commission revokes the owner's license or operating agent contract.
- (2) The commission declines to renew the owner's license or operating agent contract.
- (3) A proposed transferee is denied an owner's license under this article when attempting to purchase the riverboat and obtain an owner's license, but the person who attempted to sell the riverboat is unable or unwilling to retain ownership or control of the riverboat.
- (4) A proposed transferee is denied an operating agent contract under this article when attempting to purchase the riverboat subject to IC 4-33-6.5, but the person who attempted to sell the riverboat is unable or unwilling to retain ownership or control of the riverboat.
- (5) A licensed owner or an operating agent agrees in writing to relinquish control of a riverboat to a trustee as approved by the commission.

As added by P.L.142-2009, SEC.16.

IC 4-33-21-4**Effective date of power of attorney**

Sec. 4. A power of attorney designating a trustee to conduct gambling operations on a riverboat is effective on the date designated by the commission in a resolution authorizing the trustee to commence gambling operations. The power of attorney remains in effect until the date the trusteeship established by the operation of the power of attorney is terminated by resolution of the commission.
As added by P.L.142-2009, SEC.16.

IC 4-33-21-5**General power of attorney law applies**

Sec. 5. (a) IC 30-5 applies to a trustee exercising powers under this chapter.

(b) For purposes of IC 30-5, a trustee is an attorney in fact.

As added by P.L.142-2009, SEC.16.

IC 4-33-21-6**Trustee requirements**

Sec. 6. A trustee who conducts gambling operations on a riverboat:

(1) must:

(A) be eligible to receive an occupational license under IC 4-33-8; and

(B) satisfy the requirements of any rule adopted by the commission under IC 4-33-8-4;

(2) must conduct the gambling operations within the same standards for character, reputation, and financial integrity that are imposed upon a licensed owner or operating agent by this article;

(3) must submit to the commission any information requested by the commission; and

(4) is charged with all the duties imposed upon a licensed owner or operating agent under this article.

As added by P.L.142-2009, SEC.16.

IC 4-33-21-7**Trustee's duties**

Sec. 7. (a) A trustee acting under the authority of this chapter must fulfill the trustee's duties as a fiduciary for the owner of the riverboat. In addition, the trustee shall consider the effect of the trustee's actions upon:

(1) the amount of taxes remitted by the trustee under IC 4-33-12 and IC 4-33-13;

(2) the city and county in which the riverboat is located;

(3) the riverboat's employees; and

(4) the creditors of the owner of the riverboat.

(b) In balancing the interests described in subsection (a), a trustee

shall conduct gambling operations on the riverboat in a manner that enhances the credibility and integrity of riverboat gambling in Indiana while minimizing disruptions to tax revenues, incentive payments, employment, and credit obligations.

As added by P.L.142-2009, SEC.16. Amended by P.L.229-2013, SEC.23.

IC 4-33-21-8

Riverboat owner's duty to sell a riverboat operated by a trustee

Sec. 8. (a) A person who directly or indirectly owns a riverboat that is the subject of a resolution described in section 3 of this chapter has one hundred eighty (180) days after the date on which the commission adopts the resolution to sell the riverboat (and its related properties described in section 9 of this chapter) to another person who:

(1) satisfies the requirements of this article for obtaining an owner's license; and

(2) is approved by the commission.

(b) If the person is unable to sell the riverboat (and its related properties described in section 9 of this chapter) in the time required by subsection (a), the trustee may take any action necessary to sell the properties to another person who:

(1) satisfies the requirements of this article for obtaining an owner's license; and

(2) is approved by the commission.

As added by P.L.142-2009, SEC.16.

IC 4-33-21-9

Operation of related properties

Sec. 9. A trustee acting under the authority of this chapter may conduct the operations of any hotel, restaurant, golf course, or other amenity related to the riverboat operation.

As added by P.L.142-2009, SEC.16.

IC 4-33-21-10

Trustee compensation

Sec. 10. A trustee is entitled to reasonable compensation for carrying out the duties imposed upon the trustee under this chapter. The trustee's compensation must be:

(1) approved by the commission; and

(2) paid by the owner of the riverboat that is the subject of a resolution described in section 3 of this chapter.

As added by P.L.142-2009, SEC.16.

IC 4-33-21-11

Liability insurance

Sec. 11. A licensed owner or an operating agent shall purchase liability insurance, in an amount determined by the commission, to

protect the trustee appointed to conduct gambling operations on behalf of the licensed owner or operating agent from liability for any act or omission by the trustee occurring within the scope of the trustee's duties. The insurance coverage required by this section must apply to the entire period of the trusteeship.

As added by P.L.142-2009, SEC.16.

IC 4-33-21-12

Power to revoke, modify, or amend a resolution authorizing a trustee to conduct gambling operations

Sec. 12. (a) Except as provided in subsection (b), the commission may after a public meeting revoke, modify, or amend a resolution authorizing a trustee to conduct gambling operations under this chapter upon a showing of good cause. A public meeting held under this subsection may be conducted by the commission or the executive director.

(b) In an emergency that requires immediate action to protect the credibility and integrity of riverboat gambling in Indiana, the commission may, without holding a hearing, take the following actions concerning a trustee whose actions have created the emergency:

(1) Revoke the resolution authorizing the trustee to conduct gambling operations under this chapter.

(2) Remove the trustee from the control of the riverboat subject to the revoked resolution.

As added by P.L.142-2009, SEC.16.

IC 4-33-22

Chapter 22. Boxing and Mixed Martial Arts

IC 4-33-22-1

"Boxing"

Sec. 1. As used in this chapter, "boxing" means the art of attack and defense with the fists, or feet in the case of kickboxing, practiced as a sport.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-2

"Mixed martial arts"

Sec. 2. As used in this chapter, "mixed martial arts" means the unarmed physical confrontation of persons involving the use, subject to limitations as established by the commission, of a combination of techniques from different disciplines of the martial arts, including grappling, kicking, and striking.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-3

"Professional boxer"

Sec. 3. As used in this chapter, "professional boxer" means a person who competes for money, teaches, pursues, or assists in the practice of boxing as a means to obtain a livelihood or pecuniary gain.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-4

"Matchmaker"

Sec. 4. As used in this chapter, "matchmaker" means a person who, under contract, agreement, or other arrangement with a boxer, acts as a booker, an agent, a booking agent, or a representative to secure:

- (1) an engagement; or
- (2) a contract;

for the boxer.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-5

"Sparring"

Sec. 5. As used in this chapter, "sparring" means combat in which participants intend to and actually:

- (1) inflict kicks, punches, and blows; and
- (2) apply other techniques;

that may reasonably be expected to inflict injury on an opponent in a contest, exhibition, or performance.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-6**"Promoter"**

Sec. 6. (a) As used in this chapter, and except as provided in section 18 of this chapter, "promoter" means the person primarily responsible for organizing, promoting, and producing a professional boxing or sparring, professional unarmed combat, or professional wrestling match, contest, or exhibition.

(b) The term does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing or sparring, professional unarmed combat, or professional wrestling match, contest, or exhibition, unless:

- (1) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match, contest, or exhibition; and
- (2) there is no other person primarily responsible for organizing, promoting, and producing the match, contest, or exhibition.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-7**"Unarmed combat"**

Sec. 7. As used in this chapter, "unarmed combat" means the practice, or any related practice, of mixed martial arts or martial arts.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-8**"Unarmed competitor"**

Sec. 8. As used in this chapter, "unarmed competitor" means a person who engages in an unarmed combat match, contest, exhibition, or performance.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-9**"Fund"**

Sec. 9. (a) As used in this chapter, "fund" refers to the athletic fund created by this section.

(b) The athletic fund is created for purposes of administering this chapter. The fund shall be administered by the Indiana gaming commission.

(c) Expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the state general fund.

(e) The fund consists of:

- (1) appropriations made by the general assembly;
- (2) fees collected under this chapter; and

(3) penalties collected under this chapter.

(f) An amount necessary to administer this chapter is continually appropriated from the fund to the Indiana gaming commission.

(g) If the balance in the fund at the end of a particular fiscal year exceeds one hundred thousand dollars (\$100,000), the amount that exceeds one hundred thousand dollars (\$100,000) reverts to the state general fund.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-10

Commission duties

Sec. 10. The commission shall ensure the:

- (1) safety of participants in;
- (2) fairness of; and
- (3) integrity of;

sparring, boxing, and unarmed combat matches or exhibitions in Indiana.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-11

Appointment of personnel; powers of executive director; issuance of legal documents

Sec. 11. (a) The executive director of the commission may appoint and remove deputies for use by the commission. The commission shall, when the commission considers it advisable, direct a deputy to be present at any place where sparring, boxing, or unarmed combat matches or exhibitions are to be held under this chapter. The deputies shall ascertain the exact conditions surrounding the match or exhibition and make a written report of the conditions in the manner and form prescribed by the commission.

(b) The executive director of the commission may appoint and remove a secretary for the commission, who shall:

- (1) keep a full and true record of all the commission's proceedings;
- (2) preserve at its general office all the commission's books, documents, and papers; and
- (3) prepare for service notices and other papers as may be required by the commission.

The executive director of the commission may employ only such clerical employees as are actually necessary and fix their salaries as provided by law.

(c) The executive director of the commission or a deputy appointed under subsection (a) may execute orders, subpoenas, continuances, and other legal documents on behalf of the commission.

(d) All expenses incurred in the administration of this chapter shall be paid from the fund upon appropriation being made for the expenses.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-12

Adoption of rules

Sec. 12. (a) In accordance with IC 35-45-18-1(b), the commission may adopt rules under IC 4-22-2 to regulate the conduct of the following:

- (1) Mixed martial arts.
- (2) Martial arts, including the following:
 - (A) Jujutsu.
 - (B) Karate.
 - (C) Kickboxing.
 - (D) Kung fu.
 - (E) Tae kwon do.
 - (F) Judo.
 - (G) Sambo.
 - (H) Pankration.
 - (I) Shootwrestling.
- (3) Professional wrestling.
- (4) Boxing.
- (5) Sparring.

(b) The commission may adopt emergency rules under IC 4-22-2-37.1 if the commission determines that:

- (1) the need for a rule is so immediate and substantial that the ordinary rulemaking procedures under IC 4-22-2 are inadequate to address the need; and
- (2) an emergency rule is likely to address the need.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-13

Authority of commission over matches and exhibitions; license and permit requirement

Sec. 13. (a) Boxing, sparring, and unarmed combat matches or exhibitions, whether or not for prizes or purses, may be held in Indiana.

(b) The commission:

- (1) has the sole direction, management, control, and jurisdiction over all boxing, sparring, and unarmed combat matches or exhibitions to be conducted, held, or given in Indiana; and
- (2) may issue licenses for those matches or exhibitions.

(c) A boxing, sparring, or unarmed combat match or an exhibition that is:

- (1) conducted by any school, college, or university within Indiana; or
- (2) sanctioned by United States Amateur Boxing, Inc.;

is not subject to the provisions of this chapter requiring a license. The term "school, college, or university" does not include a school or other institution for the principal purpose of furnishing instruction

in boxing, or other athletics.

(d) Except as provided under section 18 of this chapter, no boxing, sparring, or unarmed combat match or exhibition, except as provided in this chapter, may be held or conducted within Indiana except under a license and permit issued by the commission in accordance with this chapter and the rules adopted under this chapter.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-14

Annual licenses; event permits; penalties

Sec. 14. (a) The commission may:

- (1) cause to be issued an annual license in writing for holding boxing, sparring, or unarmed combat matches or exhibitions to any person who is qualified under this chapter; and
- (2) adopt rules to establish the qualifications of the applicants.

(b) In addition to a general license, a person must, before conducting any particular boxing, sparring, or unarmed combat match or exhibition where one (1) or more contests are to be held, obtain a permit from the commission.

(c) Annual licenses may be revoked or suspended by the commission upon hearing and proof that any holder of an annual license has violated this chapter or any rule or order of the commission.

(d) A person who knowingly, recklessly, or intentionally conducts a boxing, sparring, or unarmed combat match or exhibition without first obtaining a license or permit commits a Class B misdemeanor.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-15

Applications

Sec. 15. (a) Applications for licenses or permits to conduct or participate in, either directly or indirectly, a boxing, sparring, or unarmed combat match or exhibition must be:

- (1) made in writing upon forms prescribed by the commission and shall be addressed to and filed with the gaming commission; and
- (2) verified by the applicant, if an individual, or by an officer of the club, corporation, or association in whose behalf the application is made.

(b) The application for a permit to conduct a particular boxing, sparring, or unarmed combat match or exhibition must, among other things, state:

- (1) the time and exact place at which the boxing, sparring, or unarmed combat match or exhibition is proposed to be held;
- (2) the names of the contestants who will participate and their seconds;
- (3) the seating capacity of the buildings or the hall in which

- such exhibition is proposed to be held;
- (4) the proposed admission charge;
- (5) the amount of the compensation percentage of gate receipts that is proposed to be paid to each of the participants;
- (6) the name and address of the applicant;
- (7) the names and addresses of all the officers if the applicant is a club, a corporation, or an association; and
- (8) the record of each contestant from a source approved by the commission.

(c) The commission shall keep records of the names and addresses of all persons receiving permits and licenses.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-16

Submission of fingerprints and financial information; criminal history checks

Sec. 16. (a) As used in this section, "applicant" means a person applying for a promoter's license or permit.

(b) The commission shall require an applicant to provide:

- (1) information, including fingerprints, that is needed to facilitate access to criminal history information; and
- (2) financial information, to the extent allowed by law.

(c) The state police department shall:

- (1) provide assistance in obtaining criminal history information of an applicant; and
- (2) forward fingerprints submitted by an applicant to the Federal Bureau of Investigation for the release of an applicant's criminal history information for the purposes of licensure under this chapter.

(d) The applicant shall pay any fees associated with the release of the criminal history information of the applicant.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-17

Licensing of promoters, participants, and other persons

Sec. 17. All promoters, either corporations or natural persons, physicians, referees, judges, timekeepers, matchmakers, professional boxers, unarmed competitors, managers of professional boxers or unarmed competitors, trainers and seconds, shall be licensed as provided in this chapter, and such a corporation or person may not be permitted to participate, either directly or indirectly, in any such boxing, sparring, or unarmed combat match or exhibition, or the holding thereof, unless the corporation and all such persons have first procured licenses. A contest conforming to the rules and requirements of this chapter is not considered to be a prizefight.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-18

Amateur mixed martial arts; requirements

Sec. 18. (a) As used in this section, "amateur mixed martial arts" refers to mixed martial arts that is:

- (1) performed for training purposes in a school or other educational facility for no:
 - (A) purse; or
 - (B) prize with a value greater than one hundred dollars (\$100); or
- (2) performed in a match, contest, exhibition, or performance for no:
 - (A) purse; or
 - (B) prize with a value greater than one hundred dollars (\$100).

(b) As used in this section, "promoter" means the person primarily responsible for organizing, promoting, and producing an amateur mixed martial arts match or exhibition. The term does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring an amateur mixed martial arts match unless:

- (1) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match or exhibition; and
 - (2) there is no other person primarily responsible for organizing, promoting, and producing the match or exhibition.
- (c) For amateur mixed martial arts matches or exhibitions, only:
- (1) a body sanctioning the match or exhibition; and
 - (2) the promoter of the match or exhibition;

must procure licenses under this chapter. The commission shall develop procedures and standards governing application for licensure and license renewal of bodies sanctioning a match or exhibition and promoters under this section. The commission shall develop procedures for inspection and enforcement with respect to licenses issued under this subsection.

(d) The commission shall adopt rules under IC 4-22-2 to license sanctioning bodies and promoters required to be licensed under this chapter.

(e) The commission shall adopt rules under IC 4-22-2 that apply to each match or exhibition covered under this section and that determine requirements for the following:

- (1) The presence of a medical doctor licensed under IC 25-22.5.
- (2) The presence of an ambulance.
- (3) Requirements for medical and life insurance to be carried for each participant.
- (4) The need for medical tests, including:
 - (A) tests for HIV;
 - (B) pregnancy tests for women participants; and
 - (C) screening tests for illegal drugs.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-19**Eligibility for licenses and permits; nontransferability of licenses and permits**

Sec. 19. A permit or license may not be issued to any person who has not complied with this chapter or who, before the applications, failed to obey a rule or order of the commission. In the case of a club, corporation, or association, a license or permit may not be issued to it if, before its application, any of its officers have violated this chapter or any rule or order of the commission. A promoter, physician, referee, judge, timekeeper, matchmaker, professional boxer, unarmed competitor, manager of a professional boxer or unarmed competitor, trainer, or second may not be licensed if the person holds a federal gambling stamp. A license or permit when issued must recite that the person to whom it is granted has complied with this chapter and that a license or permit is not transferable.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-20**Authority to limit number of matches or exhibitions**

Sec. 20. The commission has full power and authority to limit the number of boxing, sparring, or unarmed combat matches or exhibitions to be held or given by any person, club, organization, or corporation in any city or town in Indiana.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-21**Requirement to comply with terms of application**

Sec. 21. (a) A person to whom a permit is issued may not:

- (1) hold the match or exhibition at any other time or place;
- (2) permit any other contestant to participate in the match or exhibition;
- (3) charge a greater rate or rates of admission; or
- (4) pay a greater fee, compensation, or percentage to contestants than that specified in the application filed before the issuance of the permit.

(b) Notwithstanding subsection (a), in case of emergency the commission may, upon application, allow a person to hold a boxing, sparring, or unarmed combat match or exhibition wherever and whenever it considers fit within the city in which the person is located and substitute contestants or seconds as circumstances may require.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-22**Denial of license or permit; violation of laws or rules; hearing**

Sec. 22. In case the commission refuses to grant a license or permit to any applicant, the applicant, at the applicant's option, is entitled to a hearing in the manner provided by this chapter, but if the

commission, before the refusal, after a hearing, makes a valid finding that the applicant has been guilty of disobeying any rule or order of the commission, or of any provision of this chapter, the applicant is not entitled to a license or permit; and in case any boxing, sparring, or unarmed combat match, or exhibition has been conducted by any person, club, corporation, or association under this chapter, the commission on its own motion, or on the petition of any resident of Indiana, may conduct a hearing to determine whether such person, club, corporation, or association has disobeyed any rule or order of the commission or has been guilty of any violation of this chapter.
As added by P.L.113-2010, SEC.11.

IC 4-33-22-23

Procedures for hearings

Sec. 23. Any hearing by the commission must be in accordance with IC 4-21.5-3.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-24

Matches and exhibitions; site requirements

Sec. 24. All buildings or structures used, or in any way to be used for the purpose of holding or giving therein boxing, sparring, or unarmed combat matches or exhibitions, must be properly ventilated and provided with fire exits and fire escapes, if necessary, and in all manner must conform to the laws, ordinances, and regulations pertaining to buildings in the city or town where situated.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-25

Matches and exhibitions; age limits; gaming and other restrictions; penalties

Sec. 25. (a) A person shall not:

- (1) permit any person less than eighteen (18) years of age to participate in any boxing or sparring match or exhibition;
- (2) permit any gambling on the result of, or on any contingency in connection with, any boxing or sparring match or exhibition conducted by it; or
- (3) participate in or permit any sham or collusive boxing or sparring match or exhibition.

(b) A person who violates this section, in addition to any criminal penalty:

- (1) shall have the person's license or permit revoked, suspended, or restricted by the commission;
- (2) shall be placed on probation by the commission;
- (3) shall pay a civil penalty imposed by the commission not to exceed one thousand dollars (\$1,000);
- (4) is ineligible for a license or permit at any future time; or
- (5) is subject to the imposition by the commission of any

combination of the penalties set forth in subdivisions (1) through (4).

As added by P.L.113-2010, SEC.11.

IC 4-33-22-26

Participation in violation; penalties

Sec. 26. (a) A person shall not:

- (1) participate in any sham or collusive boxing or sparring match or exhibition where the match or exhibition is conducted by a licensed person; or
- (2) being less than eighteen (18) years of age, participate in any boxing or sparring match or exhibition.

(b) For a first offense, in addition to the fine, a person who is a licensed contestant in Indiana and violates this section:

- (1) shall have the person's license or permit revoked, suspended, or restricted by the commission;
- (2) shall be placed on probation by the commission;
- (3) shall pay a civil penalty imposed by the commission not to exceed one thousand dollars (\$1,000);
- (4) is ineligible for a license or permit at any future time; or
- (5) is subject to the imposition by the commission of any combination of the penalties set forth in subdivisions (1) through (4).

For a second offense, a licensed contestant who violates this section may be forever barred from receiving any license or permit or participating in any boxing or sparring match or exhibition in Indiana.

(c) A person who gambles on the result of, or on any contingency in connection with, any boxing or sparring match or exhibition and is convicted under IC 35-45-5 shall, in addition to any criminal penalty imposed, be penalized as provided in subsection (b).

As added by P.L.113-2010, SEC.11.

IC 4-33-22-27

Contestants; examinations; limitations on length of match or exhibition; required personnel at matches or exhibitions; penalties

Sec. 27. (a) Each contestant for boxing, sparring, or unarmed combat shall be examined within two (2) hours before entering the ring by a competent physician licensed under IC 25-22.5 appointed by the commission. The physician shall certify in writing that each contestant is physically fit to engage in the contest if the physician so determines, and the physician's certificate shall be delivered to the commission before the contest. The physician shall mail the report of examination to the commission within twenty-four (24) hours after the contest. Blank forms of physicians' reports shall be furnished to physicians by the commission, and questions on blank forms must be answered in full. No match, contest, or exhibition shall be held unless a licensed physician is in attendance. Any boxer or unarmed

competitor who, in the opinion of the physician, is physically unfit to enter the match or exhibition shall be excused by the commission or its deputy. During the conduct of the match or exhibition, the physician may observe the physical condition of the boxers or unarmed competitors and if, in the opinion of the physician, any contestant in any match or exhibition is physically unfit to continue, the physician shall advise the referee.

(b) A boxing or sparring match or exhibition may not last more than twelve (12) rounds, and each round may not last more than three (3) minutes. There must not be less than a one (1) minute intermission between each round. The commission may for any bout or any class of contestants limit the number of rounds of the bout within the maximum of twelve (12) rounds.

(c) Any contestant in a boxing or sparring match or an exhibition must wear standard gloves, weighing at least eight (8) ounces, and the gloves worn by each of the contestants must be equal in weight.

(d) At each boxing, sparring, or unarmed combat match or exhibition there must be in attendance, at the expense of the person conducting the match or exhibition, a licensed referee who shall direct and control the match or exhibition. Before starting each contest, the referee shall ascertain from each contestant the name of the contestant's chief second, and shall hold the chief second responsible for the conduct of the chief second's assistant seconds during the contest. The referee may declare forfeited a part or all of any remuneration or purse belonging to the contestants, or one (1) of them, if, in the referee's judgment, the contestant or contestants are not honestly competing. Any forfeited amount shall be paid into the fund.

(e) There must also be in attendance at the expense of the person conducting the match or exhibition three (3) licensed judges who shall, at the termination of each boxing, sparring, or unarmed combat match or exhibition render their decisions as to the winner.

(f) A person who holds any boxing, sparring, or unarmed combat match or exhibition in violation of this section commits a Class A infraction.

(g) A physician who knowingly certifies falsely to the physical condition of any contestant commits a Class B infraction.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-28

Contestants; biennial licenses; fees

Sec. 28. (a) A contestant may not participate in any boxing, sparring, or unarmed combat match or exhibition unless registered and licensed with the commission, which license must be renewed biennially. The license fee and the renewal fee may not be less than five dollars (\$5), paid at the time of the application for the license or renewal.

(b) Any person who desires to be registered and licensed as a

contestant shall file an application in writing with the executive director of the commission stating:

- (1) the correct name of the applicant;
- (2) the date and place of the applicant's birth;
- (3) the place of the applicant's residence; and
- (4) the applicant's employment, business, or occupation, if any.

The application must be verified under oath of the applicant. An application for a renewal license must be in similar form.

(c) No assumed or ring names shall be used in any application nor in any advertisement of any contest, unless the ring or assumed name has been registered with the commission with the correct name of the applicant.

(d) Each application for license by a contestant or for a license renewal must be accompanied by the certificate of a physician residing within Indiana who is licensed as provided in this article and has practiced in Indiana for not less than five (5) years, certifying that the physician has made a thorough physical examination of the applicant, and that the applicant is physically fit and qualified to participate in boxing, sparring, or unarmed combat matches or exhibitions.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-29

Referees and judges; biennial licenses

Sec. 29. (a) The commission shall, upon proper application, grant licenses to competent referees and judges whose qualifications may be tested by the commission, and the commission may revoke any such license granted to any referee or judge upon cause as the commission finds sufficient. A referee's or judge's license must be renewed biennially. No person shall be permitted to act as referee or judge in Indiana without a license.

(b) The application for license as referee, or renewal thereof, shall be accompanied by a fee established by the commission.

(c) The commission shall appoint, from among licensed officials, all officials for all contests held under this chapter.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-30

Ineligibility for and revocation of license; conviction of offense related to controlled substances

Sec. 30. The commission may declare any person who has been convicted of an offense under IC 35-48 ineligible to participate in any boxing, sparring, or unarmed combat match or exhibition, or any other activity or event regulated by the commission, notwithstanding that the person may hold a valid license issued by the commission. The period of ineligibility shall be for not less than six (6) months nor more than three (3) years, as determined by the commission. If a convicted person is declared ineligible, the commission shall

suspend the person and declare the person ineligible to participate in any boxing, sparring, or unarmed combat match or exhibition, or any other activity or event regulated by the commission, as soon as it discovers the conviction, but the period of ineligibility shall commence from the actual date of the conviction. During the period of ineligibility, the suspended person may reapply to the commission for a license.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-31

Revocation and suspension

Sec. 31. (a) Any license under this chapter may be revoked or suspended by the commission for reasons sufficient under this chapter.

(b) If a person displays to the public credentials issued by the commission that:

- (1) have been revoked or suspended under this chapter; or
- (2) have expired;

the commission may declare the person ineligible for a period to be determined by the commission to participate in any boxing, sparring, or unarmed combat match, exhibition, or other activity regulated by the commission.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-32

Match or exhibition; gross receipts tax; report

Sec. 32. (a) Every person, club, corporation, firm, or association that may conduct any match or exhibition under this chapter shall do the following within twenty-four (24) hours after the end of the match or exhibition:

- (1) Furnish to the commission, by mail, a written report duly verified by that person or, if a club, corporation, firm, or association, by one (1) of its officers, showing the amount of the gross proceeds for the match or exhibition and other related matters as the commission may prescribe.
- (2) Pay a tax of five percent (5%) of the price from the sale of each admission ticket to the match or exhibition, which price is a separate and distinct charge and may not include any tax imposed on and collected on account of the sale of the ticket. Money derived from the tax shall be deposited in the fund.
- (3) Pay all fees established by the commission necessary to cover the administrative costs of its regulatory oversight function.

The commission may waive the tax on the price of admission for complimentary admissions.

(b) Before any license is granted for any boxing, sparring, or unarmed combat match or exhibition in Indiana, a bond or other instrument that provides financial recourse must be provided to the

commission. The instrument must be:

- (1) in an amount determined by the commission;
- (2) approved as to form and sufficiency of the sureties by the commission;
- (3) payable to the state; and
- (4) conditioned for the payment of the tax imposed, the officials and contestants, and compliance with this chapter and the valid rules of the commission.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-33

Closed circuit telecast; pay per view telecast; subscription television; gross receipts tax; report

Sec. 33. Every promoter holding or showing any public boxing, sparring, mixed martial arts, or unarmed combat match or exhibition for viewing in Indiana on a closed circuit telecast, pay per view telecast, or subscription television that is viewed by subscribers who are not present at the venue shall furnish the executive director of the commission a written report, under oath, stating the amount of gross proceeds from the closed circuit telecast, pay per view telecast, or subscription television viewing in Indiana and any other matter as the commission may prescribe. The promoter shall, within seventy-two (72) hours after the determination of the outcome of the match or exhibition, pay a tax of three percent (3%) of the gross receipts from the viewing of the match or exhibition on a closed circuit telecast, pay per view telecast, or subscription television. However, the tax may not exceed fifty thousand dollars (\$50,000) for each event. Money derived from the tax shall be placed in the state general fund. The budget agency may augment appropriations from the fund to the Indiana gaming commission to regulate boxing, sparring, unarmed combat, and any other form of mixed martial arts.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-34

Unsatisfactory reports; examination of records; penalties

Sec. 34. Whenever a report under section 32 or 33 of this chapter is unsatisfactory to the state treasurer, the state treasurer may examine or cause to be examined the books and records of the person, club, corporation, or association and subpoena and examine, under oath, that person or officers and other persons as witnesses for the purpose of determining the total amount of the gross receipts derived from any contest, and the amount of tax due, under this chapter, which tax the state treasurer may upon examination, fix and determine. In case of default in the payment of any tax due, together with the expenses incurred in making the examination for a period of twenty (20) days after written notice to the delinquent person, club, corporation, or association of the amount fixed by the state treasurer as delinquent, the person, club, corporation, or association shall be

disqualified from receiving any new license or permit, and the attorney general shall institute suit upon the bond filed under section 32 of this chapter, to recover the tax and penalties imposed by this chapter. In addition to the tax due from the delinquent person, club, corporation, or association, a penalty in the sum of not more than one thousand dollars (\$1,000) for each offense shall be recovered by the attorney general for the state.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-35

Appointment of inspectors

Sec. 35. The commission may appoint official representatives, designated as inspectors, each of whom shall receive from the commission a card authorizing the official representative to act as an inspector wherever the commission may designate the official representative to act. One (1) inspector or deputy shall:

- (1) be present at all boxing, sparring, or unarmed combat matches or exhibitions and ensure that the rules of the commission and this chapter are strictly observed; and
- (2) be present at the counting up of the gross receipts and immediately mail to the commission the final box office statement received by the inspector or deputy from the person or officers of the club, corporation, or association conducting the match or exhibition.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-36

Regulation of weights and classes of contestants; rules

Sec. 36. The commission shall determine the weights and classes of boxers and unarmed competitors and the rules and regulations of boxing and unarmed combat.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-37

Display of purchase price on tickets; maximum attendance limits

Sec. 37. All tickets of admission to any boxing, sparring, or unarmed combat match or exhibition must clearly show the purchase price. Tickets shall not be sold for more than the price printed on the tickets. It is unlawful for any person, club, corporation, or association to admit to a contest a number of people greater than the seating capacity of the place where the contest is held.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-38

Contestants; prohibition on prepayment of services; honest exhibition condition of payment

Sec. 38. A contestant shall not be paid for services before the contest, and the referee and judges must determine that if any

contestant did not give an honest exhibition of the contestant's skill, the contestant's services shall not be paid for.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-39

Deposit of fees in fund

Sec. 39. All fees received by the executive director of the commission on behalf of the commission under this chapter shall be paid into the fund.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-40

Penalties

Sec. 40. A person who knowingly, recklessly, or intentionally violates this chapter commits a Class B misdemeanor.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-41

Adoption of rules

Sec. 41. The commission may adopt rules under IC 4-22-2 to administer this chapter.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-42

Grounds for disciplinary action

Sec. 42. A licensee shall comply with the standards established by the commission. A practitioner is subject to the disciplinary sanctions under section 43 of this chapter if, after a hearing, the commission finds any of the following concerning the practitioner:

- (1) Failure, without just cause, to observe the terms of any contract required to be on file with the commission.
- (2) Violation of any of the provisions of the statutes, rules, or orders of the commission.
- (3) Interference with the official duties of other licensees, the commission, or any administrative officer or representative of the commission.
- (4) Gambling that is otherwise prohibited by law on the result of any bout permitted by the commission.
- (5) Noncompetitive boxing, sparring, or unarmed combat or the solicitation of noncompetitive boxers or unarmed competitors.
- (6) Failure to appear at designated times and places as required by the commission.
- (7) Bribery or attempted bribery of any licensee, employee, or member of the commission.
- (8) Employing or knowingly cooperating in fraud or material deception in order to obtain any license or permit issued by the commission.
- (9) Conviction for a crime that has a direct bearing on the

applicant's or licensee's ability to perform acts that require a license or permit issued by the commission.

(10) Unlicensed or unpermitted participation in any activity in Indiana for which a license or permit issued by the commission is required.

(11) Participating, directly or indirectly, in any agreement to circumvent any rules or ruling of the commission.

(12) Any activity that undermines the integrity of boxing, sparring, or unarmed combat.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-43

Sanctions

Sec. 43. (a) The commission may impose any of the following sanctions, singly or in combination, if the commission finds that a licensee is subject to disciplinary sanctions under section 42 of this chapter:

- (1) Permanently revoke a licensee's license.
- (2) Suspend a licensee's license.
- (3) Censure a licensee.
- (4) Issue a letter of reprimand.
- (5) Place a licensee on probation status and require the licensee to:
 - (A) report regularly to the commission upon the matters that are the basis of probation;
 - (B) limit the licensee's participation at boxing, sparring, or unarmed combat events to those areas prescribed by the commission; or
 - (C) perform any acts, including community restitution or service without compensation, or refrain from performing any acts, that the commission considers appropriate to the public interest or to the rehabilitation or treatment of the licensee.
- (6) Assess a civil penalty against the licensee for not more than one thousand dollars (\$1,000) for each violation listed in section 42 of this chapter.
- (7) Order a licensee to pay consumer restitution to a person who suffered damages as a result of the conduct or omission that was the basis for the disciplinary sanctions under this chapter.

(b) When imposing a civil penalty under subsection (a)(6), the commission shall consider a licensee's ability to pay the amount assessed. If the licensee fails to pay the civil penalty within the time specified by the commission, the commission may suspend the licensee's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the licensee's inability to pay a civil penalty.

(c) The commission may withdraw or modify the probation under subsection (a)(5) if the commission finds after a hearing that the

deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-44

Summary suspension

Sec. 44. (a) The commission may summarily suspend a licensee's license for ninety (90) days before a final adjudication or during the appeals process if the commission finds that a licensee represents a clear and immediate danger to the public's health, safety, or property if the licensee is allowed to continue to participate in boxing, sparring, or unarmed combat matches, contests, or exhibitions. The summary suspension may be renewed upon a hearing before the commission, and each renewal may be for not more than ninety (90) days.

(b) Before the commission may summarily suspend a license under this section, the commission shall make a reasonable attempt to notify the licensee of:

- (1) a hearing by the commission to suspend the licensee's license; and
- (2) information regarding the allegation against the licensee.

The commission shall also notify the licensee that the licensee may provide a written or an oral statement to the commission on the licensee's behalf before the commission issues an order for summary suspension. A reasonable attempt to notify the licensee is made if the commission attempts to notify the licensee by telephone or facsimile at the last telephone number or facsimile number of the licensee on file with the commission.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-45

Reinstatement

Sec. 45. The commission may reinstate a license that has been suspended under this chapter if, after a hearing, the commission is satisfied that the applicant is able to participate at a boxing, sparring, or unarmed combat match, contest, or exhibition in a professional manner and with reasonable skill. As a condition of reinstatement, the commission may impose disciplinary or corrective measures authorized under this chapter.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-46

Reinstatement not available for revoked license; waiting period before reapplying for license

Sec. 46. The commission may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-47

Surrender of license

Sec. 47. A licensee may petition the commission to accept the surrender of the licensee's license instead of having a hearing before the commission. The licensee may not surrender the licensee's license without the written approval of the commission, and the commission may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-48

Costs of disciplinary proceeding

Sec. 48. A licensee who has been subjected to disciplinary sanctions may be required by the commission to pay the costs of the proceeding. The licensee's ability to pay shall be considered when costs are assessed. If the licensee fails to pay the costs, a suspension may not be imposed solely upon the licensee's inability to pay the amount assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-49

Effect of disciplinary action by another state or jurisdiction; probationary licenses

Sec. 49. (a) The commission may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

- (1) the applicant has:
 - (A) been disciplined by a licensing entity of another state or jurisdiction; or
 - (B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and
- (2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently and professionally participate in a boxing, sparring, or unarmed combat match, contest, or exhibition in Indiana.

- (b) The board may:
 - (1) refuse to issue a license; or
 - (2) issue a probationary license;to an applicant for licensure if the applicant participated in a boxing, sparring, or unarmed combat match, contest, or exhibition in Indiana without a license in violation of the law.
- (c) Whenever the commission issues a probationary license, the commission may require a licensee to do any of the following:
 - (1) Report regularly to the commission upon the matters that are the basis of the discipline of the other state or jurisdiction.
 - (2) Limit participation in a boxing, sparring, or unarmed combat match, contest, or exhibition to the areas prescribed by the commission.
 - (3) Engage in community restitution or service without compensation for the number of hours specified by the commission.
 - (4) Perform or refrain from performing an act that the commission considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.
- (d) The commission shall remove any limitations placed on a probationary license under this section if the commission finds after a public hearing that the deficiency that required disciplinary action has been remedied.

As added by P.L.113-2010, SEC.11.

IC 4-33-23

Chapter 23. Administration of Local Development Agreements

IC 4-33-23-1

"Affiliate"

Sec. 1. As used in this chapter, "affiliate" means any person who directly or indirectly controls, is controlled by, or is under common control of another person.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-2

"Development agreement"

Sec. 2. As used in this chapter, "development agreement" means the written agreement or group of written agreements that:

- (1) is between a person or a unit of government, and a development provider; and
- (2) sets forth the financial commitments of a development provider to support economic development, including, without limitation, charitable or educational purposes in a specified location.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-3

"Development provider"

Sec. 3. As used in this chapter, "development provider" means:

- (1) a licensed owner;
- (2) an operating agent; or
- (3) an affiliate of a licensed owner or an operating agent who makes or may make an economic development payment.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-4

"Economic development payment"

Sec. 4. As used in this chapter, "economic development payment" means monetary disbursement paid under a development agreement that is:

- (1) received by a unit of government or any other person; and
- (2) not paid in legitimate exchange for anything of value, including, without limitation:
 - (A) a lease;
 - (B) a purchase order; or
 - (C) a service contract.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-5

"Specified recipient"

Sec. 5. As used in this chapter, "specified recipient" means a

person that is named in a development agreement that:

- (1) receives an economic development payment from a development provider; and
- (2) is not a party to the development agreement.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-6

"Unspecified recipient"

Sec. 6. As used in this chapter, "unspecified recipient" means a person that is not named in a development agreement that receives a disbursement of money from a specified recipient.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-7

Commission jurisdiction over development agreements

Sec. 7. (a) The commission has continuous jurisdiction over development agreements, including the ability to disapprove part or all of a development agreement if disapproval would ensure:

- (1) compliance with this article, the rules of the commission, and federal law;
- (2) the integrity of gambling operations in Indiana; and
- (3) compliance with the purposes of the agreement.

(b) The commission may verify and ensure that development agreements, economic development payments, disbursements to unspecified recipients, and expenditures of third party recipients:

- (1) comply with state and federal law;
- (2) do not adversely affect the integrity of gambling operations in Indiana; and
- (3) comply with the purposes of the agreement.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-8

Development agreements; required statement

Sec. 8. All development agreements must contain the following statement:

"All parties to this agreement recognize the authority of the Indiana gaming commission over this agreement, including the authority to disapprove all or part of this agreement, to verify and ensure payments made under this agreement, to verify and ensure expenditures by recipients, to verify and ensure compliance with the purposes of the agreement, and to act concerning modifications to the agreement. All parties to this agreement agree to comply fully with any requests for information or directives related to the exercise of the commission's authority."

As added by P.L.82-2011, SEC.1. Amended by P.L.6-2012, SEC.21.

IC 4-33-23-9

Development agreements; economic development payments

Sec. 9. A development agreement shall accurately reflect the flow of economic development payments.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-10**Annual reports of development providers**

Sec. 10. (a) A development provider shall report annually to the commission the following:

- (1) the total dollar amounts of economic development payments;
- (2) the parties or specified recipients, or both, that receive economic development payments; and
- (3) any other items related to an economic development payment that the commission may require.

(b) A specified recipient of an economic development payment shall report annually to the commission an accounting of:

- (1) any economic development payment received by the recipient; and
- (2) any disbursements of economic development payment money that the recipient makes to:
 - (A) another specified recipient; or
 - (B) an unspecified recipient.

(c) A report submitted under subsection (b) must include:

- (1) the legal name of the person submitting the report;
- (2) the date, amount, and purpose of each disbursement;
- (3) the name of each specified or unspecified recipient receiving a disbursement; and
- (4) any other information that the commission may require.

(d) Upon request of the commission, a person submitting a report under subsection (a) or (b) shall attach to the report sufficient documentation to support a transaction described in the report.

(e) A report submitted under subsection (a) or (b) must be submitted to the department of local government finance and made available electronically through the Indiana transparency Internet web site established under IC 5-14-3.7.

(f) The commission may require, with respect to a report required by this section:

- (1) the format of the report;
- (2) the deadline by which the report must be filed; and
- (3) the manner in which the report must be maintained and filed.

As added by P.L.82-2011, SEC.1. Amended by P.L.229-2013, SEC.24.

IC 4-33-23-11**Restrictions on parties to development agreements and recipients**

Sec. 11. (a) A party that is not the development provider may not

be a for-profit person.

(b) A specified recipient may not be a for-profit person.

(c) A specified recipient who disburses part or all of an economic development payment to an unspecified recipient has a duty to ensure that the expenditures made by the unspecified recipient directly advance the stated purposes of the economic development payment.

As added by P.L.82-2011, SEC.1. Amended by P.L.6-2012, SEC.22.

IC 4-33-23-12

Nonprofit specified recipients; conflict of interest statements

Sec. 12. (a) Each nonprofit specified recipient must have a conflict of interest statement that complies with state and federal law, and must provide the commission with a copy of the statement.

(b) Each nonprofit specified recipient must provide the commission with a copy of its bylaws.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-13

Economic development payments; deposits

Sec. 13. (a) Any recipient of an economic development payment must deposit the economic development payment into a separate and segregated bank account not later than five (5) days after its receipt.

(b) The bank account referenced in subsection (a):

(1) must allow expenditures only in accordance with the terms of the development agreement;

(2) must be used to account for and report the proceeds of economic development payments; and

(3) must be maintained at an FDIC insured bank that is located in and has a corporate presence in the State of Indiana.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-14

Development agreement modifications

Sec. 14. (a) If all parties to a development agreement agree to modify the development agreement, the parties shall:

(1) submit to the commission a written request for modification, which shall be signed by all parties;

(2) submit a copy of the development agreement as it would appear after modification; and

(3) submit a document explaining the parties' reasons for the requested modifications.

(b) The commission may consider a request for modification that complies with subsection (a).

(c) If the commission approves the parties' request, the parties shall provide the commission with a fully executed copy of the new development agreement not later than thirty (30) days after the date of commission approval.

As added by P.L.82-2011, SEC.1. Amended by P.L.6-2012, SEC.23.

IC 4-33-23-15

Modifications following commission disapproval of an economic development agreement

Sec. 15. (a) If the commission has disapproved all or part of a development agreement, the development provider shall request a modification of the development agreement.

(b) The development provider shall submit to the commission:

- (1) a copy of the development agreement as it would appear after modification; and
- (2) a listing of all proposed modifications.

(c) The commission shall consider a request for modification that complies with subsections (a) and (b).

(d) The development provider shall notify all parties to the development agreement whose participation in the development agreement has not been disapproved of by the commission that it has submitted a modification request to the commission.

(e) Any party to a development agreement whose participation in the development agreement has not been disapproved of by the commission may submit to the commission any information that it considers relevant to the proposed modification.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-16

Filings made available to the attorney general upon request

Sec. 16. Upon request of the attorney general, the commission shall make available to the attorney general all filings made under this chapter regarding a development agreement.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-17

Political subdivision reporting to the department of local government finance

Sec. 17. (a) Any political subdivision receiving an economic development payment shall annually report the following information to the department of local government finance:

- (1) The total amount of economic development payments received in the previous state fiscal year.
- (2) The balance of the fund in which the political subdivision deposited the economic development payments under section 13 of this chapter as of the end of the previous state fiscal year.

(b) A political subdivision shall submit the report required by subsection (a) to the department of local government finance before October 1 of each year.

(c) The department of local government finance shall make the report available electronically through the Indiana transparency Internet web site established under IC 5-14-3.7.

As added by P.L.229-2013, SEC.25.

IC 4-33-24

Chapter 24. Paid Fantasy Sports

IC 4-33-24-1

Paid fantasy sports game is not gambling

Sec. 1. A paid fantasy sports game conducted under this chapter does not constitute gambling for any purpose, including under IC 35-45-5.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-2

"Bureau"

Sec. 2. "Bureau" refers to the child support bureau of the department of child services established by IC 31-25-3-1.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-3

"Confidential information"

Sec. 3. As used in this chapter, "confidential information" means information related to the play of paid fantasy sports games by game participants obtained solely as a result of or by virtue of a person's employment.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-4

"Division"

Sec. 4. As used in this chapter, "division" refers to the paid fantasy sports division established by section 11 of this chapter.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-5

"Game operator"

Sec. 5. As used in this chapter, "game operator" means a person who:

- (1) is engaged in the business of professionally conducting paid fantasy sports games for cash prizes for members of the general public; and
- (2) requires cash or a cash equivalent as an entry fee to be paid by a member of the general public who participates in a paid fantasy sports game.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-6

"Game participant"

Sec. 6. As used in this chapter, "game participant" means an individual who participates in a paid fantasy sports game offered by a game operator.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-7**"Licensed facility"**

Sec. 7. As used in this chapter, "licensed facility" means any of the following:

- (1) A satellite facility licensed under IC 4-31-5.5.
- (2) A riverboat (as defined by IC 4-33-2-17).
- (3) A gambling game facility operated under IC 4-35.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-8**"Licensee"**

Sec. 8. As used in this chapter, "licensee" means any of the following:

- (1) A permit holder (as defined by IC 4-31-2-14).
- (2) A licensed owner (as defined by IC 4-33-2-13).
- (3) An operating agent (as defined by IC 4-33-2-14.5).

As added by P.L.212-2016, SEC.2.

IC 4-33-24-9**"Paid fantasy sports game"**

Sec. 9. As used in this chapter, "paid fantasy sports game" means any fantasy or simulation sports game or contest that meets the following conditions:

- (1) The values of all prizes and awards offered to winning game participants are established and made known to the game participants in advance of the game or contest.
- (2) All winning outcomes reflect the relative knowledge and skill of the game participants and are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sporting events.
- (3) No winning outcome is based on the score, point spread, or performance or performances of any single team or combination of teams, or solely on any single performance of an individual athlete or player in any single event.
- (4) The statistical results of the performance of individuals under subdivision (2) are not based on college or high school sports.
- (5) All participants must pay, with cash or a cash equivalent, an entry fee to participate.
- (6) Unless authorized by the horse racing commission, established by IC 4-31-3-1, no winning outcome is based on the accumulated statistical results of a performance by an individual or horse:
 - (A) in a race or races at a recognized meeting (as defined in IC 4-31-2-20); or
 - (B) on the simulcast, as defined in IC 4-31-2-20.6, of a horse race or horse races.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-10**"Person"**

Sec. 10. As used in this chapter, "person" means any association, corporation, limited liability company, fiduciary, individual, joint stock company, joint venture, partnership, sole proprietorship, or other private legal entity.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-11**Paid fantasy sports division established**

Sec. 11. (a) The paid fantasy sports division is established within the commission.

(b) The division shall maintain the integrity of the paid fantasy sports division. Game operators, game operator applicants, and licensees must encourage confidence in the commission and the division by maintaining high standards of honesty, integrity, and impartiality.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-12**Powers and duties; adoption of rules**

Sec. 12. (a) Except as provided in subsection (c), the division has the following powers and duties for purposes of administering, regulating, and enforcing the system of paid fantasy sports under this chapter:

- (1) All powers and duties in this chapter.
- (2) All powers necessary and proper to fully and effectively execute this chapter.
- (3) To investigate and reinvestigate applicants, game operators, and licensees with whom a game operator has entered into a contract under section 14 of this chapter.
- (4) To investigate alleged violations of this chapter.
- (5) To revoke, suspend, or renew licenses under this chapter.
- (6) To take any reasonable or appropriate action to enforce this chapter.

(b) Except as provided in subsection (c), the division may do the following:

- (1) Take appropriate administrative enforcement or disciplinary action against a person who violates this chapter.
- (2) Conduct hearings.
- (3) Issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other relevant documents.
- (4) Administer oaths and affirmations to witnesses.

(c) The division may not adopt rules limiting or regulating:

- (1) rules or the administration of an individual game or contest;
- (2) the statistical makeup of a game or contest; and
- (3) the digital platform of a game operator.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-13

Adoption of rules

Sec. 13. (a) The division shall adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this chapter, including rules for the following purposes:

- (1) Administering this chapter.
- (2) Providing for the prevention of practices detrimental to the public interest and providing for the best interests of paid fantasy sports.
- (3) Establishing rules concerning the review of the permits or licenses necessary for a game operator, licensed facility, or licensee.
- (4) Imposing penalties for noncriminal violations of this chapter.

(b) The division and the commission shall allow game operators who are operating in Indiana on March 31, 2016, to continue operating until they have received or have been denied a license.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-14

Game operators; licensee contracts

Sec. 14. A game operator may:

- (1) conduct one (1) or more paid fantasy sports games through an Internet web site maintained and operated by the game operator; or
- (2) contract with a licensee to conduct one (1) or more paid fantasy sports games on the premises of a licensed facility.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-15

Game operator requirements; fees

Sec. 15. (a) A game operator must:

- (1) be authorized to transact business in Indiana under IC 23; and
- (2) pay to the division the initial fee imposed under subsection (b).

(b) A game operator shall pay to the division an initial fee of at least fifty thousand dollars (\$50,000) for the privilege of conducting paid fantasy sports games under this chapter. The division may increase the initial fee up to seventy-five thousand dollars (\$75,000) to pay for all of the direct and indirect costs of the operation of the division.

(c) A game operator shall annually pay to the division a five thousand dollar (\$5,000) fee on the anniversary date of the payment made under subsection (b) to renew the privilege of conducting paid fantasy sports games under this chapter.

(d) The division shall deposit all fees received under this section in the fantasy sports regulation and administration fund.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-16

Game operator requirements

Sec. 16. A game operator must do the following to conduct paid fantasy sports games under this chapter:

- (1) Provide written notice to the division of the game operator's intent to conduct paid fantasy sports games under this chapter.
- (2) Submit for the division's approval any proposed contract with a licensee through which the game operator intends to conduct paid fantasy sports games under this chapter.
- (3) Submit a plan for doing the following:
 - (A) Verifying the identity and age of patrons who wish to participate in a paid fantasy sports game conducted under this chapter.
 - (B) Maintaining the security of the identifying and financial information of game participants participating in paid fantasy sports games conducted under this chapter.
 - (C) Promoting paid fantasy sports games conducted under this chapter in a manner that accurately describes the relationship between the game operator and a licensee.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-17

Licensee's license renewals; licensee investigations; investigation costs

Sec. 17. (a) A licensee's license may be renewed annually upon a determination by the division that the licensee is in compliance with this chapter.

(b) A licensee shall undergo a complete investigation every three (3) years to determine if the licensee is in compliance with this chapter.

(c) A licensee shall bear the cost of an investigation or reinvestigation of the licensee and any investigation resulting from a potential transfer of ownership.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-18

Entry fees

Sec. 18. A game operator may charge an entry fee to participate in a paid fantasy sports game conducted under this chapter.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-19

Participant age requirements

Sec. 19. An individual must be at least eighteen (18) years of age

to participate in a paid fantasy sports game conducted under this chapter.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-20

Prizes

Sec. 20. Any prize awarded in a paid fantasy sports game must be made known before the fantasy game begins. The value of a prize awarded in the paid fantasy sports game may not be determined by the number of game participants in the paid fantasy sports game or the amount of entry fees paid by the game participants.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-21

Required game operator procedures

Sec. 21. A game operator shall implement procedures to do the following:

- (1) Prevent employees of the game operator or a licensee with whom the game operator has entered into a contract under section 14 of this chapter, and any relative of an employee living in the household of the employee, from competing in a paid fantasy sports game in which the cash prize exceeds five dollars (\$5).
- (2) Prevent an owner, director, or officer of the game operator or a licensee with whom the game operator has entered into a contract under section 14 of this chapter from being a game participant in any paid fantasy sports game offered by the game operator.
- (3) Prevent employees of the game operator or a licensee with whom the game operator has entered into a contract under section 14 of this chapter from sharing confidential information that could affect paid fantasy sports game play with third parties until the information is made publicly available.
- (4) Verify that a game participant is at least eighteen (18) years of age.
- (5) Prevent an individual who is a player, game official, or other participant in an actual sporting event or competition from participating in any paid fantasy sports game that is determined in whole or in part on the performance of that individual, the individual's actual team, or the accumulated statistical results of the sporting event or competition in which the individual is a player, game official, or other participant.
- (6) Allow individuals to restrict themselves from entering paid fantasy sports games.
- (7) Disclose the number of paid fantasy sports games a single game participant may enter.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-22**Game operator preventative measures**

Sec. 22. A game operator shall take reasonable steps to do the following:

- (1) Prevent the participation in paid fantasy sports games of individuals who have restricted themselves from entering paid fantasy sports games.
- (2) Prevent game participants from entering more than the maximum number of allowed paid fantasy sports games.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-23**Segregation of game participant funds**

Sec. 23. A game operator shall segregate the funds of game participants from the operational funds of the game operator.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-24**Financial reserves**

Sec. 24. For the protection of the funds of game participants held in paid fantasy sports game accounts, a game operator shall maintain a reserve in the form of cash, cash equivalents, an irrevocable letter of credit, a bond, or a combination of these sources that is equal to the amount of money deposited in paid fantasy sports game accounts of game participants.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-25**Certified public accountant contracts**

Sec. 25. A game operator shall contract annually with a certified public accountant to perform a financial audit of the game operator's paid fantasy sports game operations under this chapter to ensure compliance with this chapter. The game operator shall submit the results of the audit to the division. The same certified public accountant may not perform more than two (2) consecutive financial audits for a game operator under this section.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-26**Civil penalties**

Sec. 26. The division may impose a civil penalty upon a game operator, a licensee, or an employee of a game operator or a licensee for a violation of this chapter. The maximum amount of a civil penalty imposed under this section for a particular violation is one thousand dollars (\$1,000). The division shall deposit all civil penalties received under this section in the fantasy sports regulation and administration fund.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-27

Entry fees and revenues received by a licensee

Sec. 27. Entry fees and other revenues received by a licensee under a contract with a game operator for conducting paid fantasy sports games are not considered to be received from a licensee's gaming operations and are not subject to:

- (1) a wagering tax imposed under IC 4-33-13 or IC 4-35-8;
- (2) the fee imposed under IC 4-35-8.5;
- (3) the distribution required under IC 4-35-7-12; or
- (4) any other tax or fee imposed upon a licensee under IC 4-31, IC 4-33, or IC 4-35.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-28

Fantasy sports regulation and administration fund

Sec. 28. (a) The fantasy sports regulation and administration fund is established to provide for the administration of this chapter.

(b) The fund consists of:

- (1) any fees and civil penalties deposited in the fund under this chapter;
- (2) any money appropriated to the fund by the general assembly; and
- (3) any earnings on amounts in the fund.

(c) The commission shall administer the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this chapter.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-29

Delinquent child support; duties related to interception of winnings

Sec. 29. (a) This section applies beginning July 1, 2017.

(b) The bureau shall provide information to a game operator or licensee concerning persons who are delinquent in child support.

(c) If a permit holder or trustee is required to file Form 1099 or a substantially equivalent form with the United States Internal Revenue Service for a person who is delinquent in child support, before payment of cash winnings from paid fantasy sports, the game operator or licensee permit holder or trustee:

- (1) may deduct and retain an administrative fee in the amount of the lesser of:
 - (A) three percent (3%) of the amount of delinquent child support withheld under subdivision (2)(A); or
 - (B) one hundred dollars (\$100); and
- (2) shall:

(A) make a reasonable effort to withhold the amount of delinquent child support owed from the cash winnings;

(B) transmit to the bureau:

- (i) the amount withheld for delinquent child support; and
- (ii) identifying information, including the full name, address, and Social Security number of the obligor and the child support case identifier, the date and amount of the payment, and the name and location of the permit holder or trustee; and

(C) issue the obligor a receipt in a form prescribed by the bureau with the total amount withheld for delinquent child support and the administrative fee.

(d) The bureau shall notify the obligor at the address provided by the permit holder or trustee that the bureau intends to offset the obligor's delinquent child support with the cash winnings.

(e) The bureau shall hold the amount withheld from cash winnings of the obligor for ten (10) business days before applying the amount as payment to the obligor's delinquent child support.

(f) The delinquent child support required to be withheld under this section and an administrative fee described under subsection (c)(1) have priority over any secured or unsecured claim on cash winnings except claims for federal or state taxes that are required to be withheld under federal or state law.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-30

Game operator prohibited conduct

Sec. 30. A game operator may not:

(1) advertise a paid fantasy sports contest in any publication or medium that is aimed exclusively to juveniles; or

(2) advertise a paid fantasy sports contest or run promotional activities concerning a paid fantasy sports contest at:

(A) elementary schools, as defined by IC 20-18-2-4;

(B) high schools, as defined by IC 20-18-2-7; or

(C) sports venues used exclusively for:

(i) elementary school, as defined by IC 20-18-2-4; or

(ii) high school, as defined by IC 20-18-2-7;

student sports activities.

As added by P.L.212-2016, SEC.2.